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ABSTRACT

This volume contains speeches and papers given at the International Conference on Academic Freedom and University Autonomy held in Sinaia, Romania, May 5-7, 1992. Section 1 contains introductory addresses by Federico Mayor, Maitland Stobart, Hinrich Seidel,and Walter Kamba. Section 2 contains 18 papers that address connotations and challenges of academic freedom and university autonomy. Among topics discussed in this context are human rights and academic freedom, the development of international standards concerning the status of higher education teaching personnel, continuing education, leadership, the advancement of knowledge, accountability in multi-university national systems, tensions between public universities and state governments, and academic freedom in the United States. Section 3 contains nine case studies involving the following nations: Hungary, Poland, Russia, Turkey, the United States, Spain, Serbia, and Macedonia. This section also includes three papers on market mechanisms in higher education in the nations of Norway, Poland, and the United States. Also in Section 3 are four papers on the social responsibilities of higher education. Section 4 contains the conference's closing address by Marco Antonio R. Dias. (Some papers contain references.) (JB)

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ED 381 084

PAPERS ON HIGHER EDUCATION

CEPES

UNESCO
EUROPEAN CENTRE
FOR HIGHER EDUCATION

ACADEMIC FREEDOM

AND

UNIVERSITY AUTONOMY

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UNIVERSITY AUTONOMY

1993

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UNIVERSITY AUTONOMY

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Foreword

The view that university autonomy and academic freedom are among the issues of concern for higher education systems throughout the world is widely shared by academics, policy makers or administrators. Various international declarations on the topics were adopted in almost all the regions of the world, while the discussions at the national or international level are carried out quite intensively in order to design appropriate policies and to follow them up through adequate implementating mechanisms.

Europe is not an exception to this trend and for obvious reasons. In fact, Europe is at the outset of unprecedented historical changes. The establishment of the single western European market coupled with the transition of central and eastern European countries to the market economy and the pluralist democracy symbolize the dynamic of Europe in the years ahead.

Universities are doubly involved in the impending changes. On one hand, European universities are among the oldest institutions on the Continent, depositories of its crucial values, producers of those minds and skilled manpower upon which the growth of knowledge and economic, technological and cultural development depend. On the other hand, it is in the laboratories of the universities that the reflection on the changes and the future with respect to values takes place, disengaged as they are from the politics of expediency.

Universities all over Europe are then once more expected to act as institutions of seminal importance. Their eventual ascendancy is, however, neither self-fulfilling nor free from outside obstacles. The idea of university is itself at the crossroads. It must follow the inner logic of its own development and, at the same time, it has to respond rationally and extensively to economic and technological forces originating in the social environment. Giving preeminence to its inner logic to the detriment of the outside forces means to act following the principle of onesideness. Yet they do not complement each other. The inner logic of universities is under pressure from the economy, governments, the public and students themselves in order to increase the share of those utilitarian values which are expected to lead to a better and more comfortable life, while universities still need freedom, detachment, autonomy, and opportunity for solitude, adapted to a new age, for serving the intellectual needs of the present and future generations.

When universities are undergoing a process of self-examination they should rely on their ability of promoting their institutional autonomy and of preserving the basic principles of academic freedom. But they also need something not so necessary in the past because the challenges and the trends are now just as different as today and tomorrow would be from the past. They need to devise those efficient built-in mechanisms for change that will outweigh all the outside pressures which endanger the inner logic of the university, its autonomy and academic freedom. The experience of central and eastern European universities during the period of the communist regime proved this quite extensively.

It is from this perspective that UNESCO, through its European Center for Higher Education - CEPES, together with the Council of Europe, the CRE, the Romanian Rectors' Conference and the Romanian National Commission for UNESCO, organized in Sinaia (Romania), from 5 to 7 May 1992, an International Conference on **Academic Freedom and University Autonomy.**

The Conference assembled about 180 participants, university professors and researchers, rectors, vice-rectors and deans, other representatives of higher education institutions and ministries from 30 countries belonging to the Europe region, as well as representatives of various international organizations.

The Conference offered multiple opportunities for a thorough exchange of ideas and experiences, as well as for a further exploration of new principles and modalities of action, adapted to present and future trends and challenges in the world of higher education. Finally, the further commitments of the participants in the Conference was expressed in the adoption of the Sinaia Statement, in which UNESCO was urged to explore the ellaboration of an international instrument focussed on academic freedom and university autonomy.

Many of the participants' contributions of the Conference brought to the fore new ideas and experiences, as well as suggestions for further tackling the issue of academic freedom and university autonomy. For these reasons, CEPES decided to publish this volume including the contributions, thus assuring their wider distribution. It goes without saying, that the views expressed by the authors do not necessarily coincide with those of UNESCO and do not commit the organization in any way.

Carin Berg

Director of CEPES

Acknowledgements

CEPES would like to express its profound gratitude to all who participated in the International Conference on **Academic Freedom and University Autonomy** held in Sinaia, Romania, 5-7 May 1992, and especially to the forty-six distinguished scholars who contributed to the existence of this volume by their well prepared papers which were written for the above-mentioned occasion. CEPES also wishes to thank the whole team of organizers, including the CEPES staff, the Romanian National Commission for UNESCO, and the National Rectors' Conference of Romania, for their personal involvement and support at every stage.

Notes on Contributors

Per Olaf Aamodt is Head of Department at the Institute for Studies in Research and Higher Education, The Research Council of Norway; Norway.

Carl-Gustaf Andrén is Professor, former Chancellor of the Swedish Universities and Colleges, and Chairman of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law; Sweden.

Roberto de Antoniis is Chairman of the Standing Conference on University Problems (CC-PU) of the Council of Europe.

Andris Barblan is Secretary-General of the Standing Conference of Rectors, Presidents and Vice-Chancellors of the European Universities (CRE).

Robert Berdahl is Professor of Higher Education at the Department of Education Policy, Planning and Administration, University of Maryland; USA.

Arif Çaglar is Professor and Rector of the Firat University; Turkey.

August Chelkowski is Professor and President of the Polish Senate; Poland.

Virgiliu Niculae Constantinescu is Professor, former Rector of the Politechnical Institute of Bucharest, and former President of the National Rectors' Conference of Romania; Romania.

Georges Cremer is Professor of Medicine and President of the René Descartes University in Paris; France.

Ulf Johansson-Dahre is post-graduate research student at the University of Lund; Sweden.

Marco Antonio R. Dias is Director of the Division of Higher Education and Research of UNESCO.

Branimir Djordjevic is Professor and Rector of the University of Nis; Yugoslavia (Serbia and Montenegro).

Elaine El-Khawas is Vice-President of Research at the American Council on Education, Washington D.C.; USA.

Eduardo Garcia de Enterria is Professor at the Complutense University of Madrid; Spain.

Madeleine Green is Vice-President of the American Council on Education, Washington D.C.; USA.

William B. Griffith is Professor and Chair of Philosophy at the George Washington University; USA.

Kemal Güçlüol is Professor at the Middle East Technical University of Ankara; Turkey.

Ivan Ivic is Director of the Center for Research and Development, University of Belgrade; Yugoslavia (Serbia and Montenegro).

Walter Kamba is Professor, Vice-Chancellor of the University of Zimbabwe, and President of the International Association of Universities (IAU).

Károly Kocsis is Professor and Rector of the Gödöllö University; Hungary.

Zygmunt Komorowski was Professor of Sociology at the University of Warsaw, former Ambassador of Poland in Bucharest; Poland.

Vadim Kokorev is Research Professor at the Moscow State University; Russia.

Lammert Leertouwer is Professor and Rector Magnificus of the Leiden University; The Netherlands.

Federico Mayor is Director-General of UNESCO.

Boris Melnic is Professor and Rector of the University of the Republic of Moldova; Republic of Moldova.

Michel Meslin is Professor and President of the Paris-Sorbonne University; France.

Dimitar Mircev is Professor and Vice-Rector of the University "Cyril and Methodius"; Macedonia.

Ruud A. de Moor is Professor and former Rector of the University of Tilburg; The Netherlands.

Krzysztof Opolski is Professor of Economics at Warsaw University; Poland.

George E. Palade is Nobel-Prize Winner in Biology and Professor at the Division of Cellular and Molecular Medicine, San Diego University of California; USA.

Djordje Paunovic is Professor and Vice-Rector of the University of Belgrade; Yugoslavia (Serbia and Montenegro).

Andrzej Pelczar is Professor and Rector of the Jagiellonian University; Poland.

Sylvain Poenaru is Professor at the René Descartes University in Paris; France.

Victor Sadovnichy is Professor and Rector of the Moscow State University ; Russia.

Ramzi Salamé is Professor at the Laval University and Consultant of the Division for Education and Research of UNESCO; Canada.

Hinrich Seidel is President of the Standing Conference of Rectors, Presidents and Vice-Chancellors of the European Universities (CRE).

Necdet Serin is Professor and Rector of Ankara University; Turkey.

Maitland Stobart is Deputy Director of Education, Culture and Sport, Council of Europe.

Pierre Tabatoni is former Rector and Chancellor of the Academy and Universities of Paris, and Administrator of the European Center for Strategic Management of Universities; Belgium.

Justin Thorens is Professor and former Rector of Geneva University, Honorary President of the International Association of Universities (IAU), and former member and Chairman of the United Nations University in Tokyo; Switzerland.

Johan-Kristian Tönder is Director of the Institute for Studies, Research and Higher Education; Norway.

Encarna Roca Trias is Professor and Vice-President of the University of Barcelona; Spain.

Colin Warbrick is Professor in Law, Durham University; UK.

Karl Weber is Professor and Director of the Coordination Unit for Further Education, University of Berne; Switzerland.

Robert B. Young is Associate Professor and Programme Leader at the Department of Educational Psychology and Leadership Studies, Kent State University; USA.

Robert Zemsky is Professor in Comparative Education and Director of the Institute for Research in Higher Education, University of Pennsylvania, Philadelphia; USA.

Section I

Introductory Addresses

Academic Freedom and University Autonomy

Federico MAYOR

Although playing a consequential role in everyday practice and political action, and despite its interrelational autonomy, the university has to preserve its political and economic independence in order for it to exercise its critical function. It must be free to respond, according to criteria of relevance and quality, to the new requirements of the communications revolution. Being put to such a test, universities need, in addition to proper funding, a quality control mechanism and a well-defined policy of staff development, which would also preserve academic standards. Because university graduates risk unemployment, they must be prepared to create new jobs by entrepreneurial initiatives. Another task for the international community is to fight the brain-drain phenomenon in developing countries through the reintegration of trained specialists, postgraduate training abroad, and the transfer of knowledge.

Introduction

Où souffle l'esprit, nulle barrière, nul barreau, nulle frontière n'a de sens. Ils le savent obscurément, ceux qui veulent rogner les ailes de la pensée, mettre le savoir sous le boisseau, réduire la recherche en esclavage. "L'homme ne commence pas aisément à penser; mais sitôt qu'il commence, il ne cesse plus.... L'entendement une fois exercé à la réflexion ne peut plus rester en repos", constatait Rousseau dans *Emile*. Quel danger, en effet, que cette agitation de l'entendement pour l'autorité! La liberté intellectuelle, expression même de la pensée inaliénable, ne connaît pas de bornes; à cet égard, la liberté de l'université est sans limite, son autonomie, absolue.

Mais l'autonomie ne doit pas être confondue avec l'autarchie. Aucune université ne saurait s'en prévaloir pour s'enfermer dans un isolement aujourd'hui plus stérilisant que jamais. Apanage de l'université de tous les temps, l'autonomie doit, en cette fin de XXe siècle, aller de pair avec l'ouverture. Ouverture aux autres centres d'enseignement et de recherche, aux structures de formation et de réflexion à tous les niveaux de la société, dans le cadre national comme au plan international, telle est l'université de notre avenir. Tant il est vrai que dans un monde de plus en plus interdépendant, l'autonomie ne porte de fruits que conjuguée à l'interaction.

L'autonomie ne saurait non plus être entendue dans un sens égoïste, par où elle signifierait la liberté, pour les universitaires, de s'occuper exclusivement d'eux-mêmes et de leurs intérêts circonscrits. De même que liberté n'est pas licence, autonomie n'est pas autocentrisme. Elle est, une fois encore, ouverture.

Monsieur le Président,
Monsieur le Ministre,
Excellences,
Mesdammes, Messieurs,

Permettez-moi de commencer en remerciant ceux qui ont, avec l'UNESCO, organisé cette Conférence: le Conseil de l'Europe, la Conférence permanente des recteurs, présidents et vice-chanceliers des universités européennes, la Conférence roumaine des recteurs et la Commission nationale roumaine pour l'UNESCO. A travers cette dernière, mes remerciements s'adressent aussi, bien sûr, au gouvernement roumain et aux autorités locales, qui nous accueillent dans ce cadre splendide.

Non loin d'ici, à Brasov, repose un homme illustre, tout à la fois lettré, esprit distingué, défenseur de la paix et homme d'action, deux fois président de la Société des nations et que l'UNESCO considère comme l'un de ceux qui ont préparé sa naissance. Nicolae Titulescu - puisque c'est de lui qu'il s'agit - a en effet été membre, en 1930, de la Commission de l'Institut international de coopération intellectuelle, qui réunissait des personnalités telles que Paul Valéry, Albert Einstein, Marie Curie, Gilbert Murray et Salvador de Madariaga. Sa participation active à l'oeuvre de cet Institut, préfigurant à certains égards l'UNESCO, et sa conviction du rôle important des idées dans l'action politique et le changement social m'incitent à l'invoquer à l'orée de nos débats. Puisse sa mémoire nous aider à spéculer sans nous perdre dans l'abstraction, à viser le pragmatique sans verser dans le prosaïque.

L'importance des libertés académiques et de l'autonomie universitaire

Libertés académiques et autonomie universitaire: je comprends la passion avec laquelle de telles notions sont évoquées ici, dans cette partie de l'Europe où elles ont si longtemps été niées, où l'espoir a reparu avec la liberté et la démocratie. La vertu de l'énoncé étant la même pour tous les droits, il est bon de saisir toutes les occasions de les réaffirmer. A la dernière session de la Conférence générale de l'UNESCO, les Etats membres ont d'ailleurs souligné l'importance de ces principes, qui doivent faire l'objet d'une part accrue du programme de l'Organisation.

Auparavant, plusieurs textes les avaient solennellement réitérées: *Déclaration de Lima* en 1988, *Grande Charte* des universités européennes adoptée à Bologne la même année, *Déclarations de Dar-Es-Salaam et de Kampala*, en 1990, où le problème des libertés académiques est abordé sous l'angle de la situation particulière des universités des pays en voie de développement. L'intérêt de ces textes réside en ce qu'ils établissent des normes et des critères applicables à l'exercice des droits propres à l'université.

Mais comme pour les droits de l'individu, c'est dans la vie et dans la pratique quotidiennes que s'éprouvent les libertés académiques et l'autonomie universitaire. Impossible, donc, d'en parler en termes théoriques, éthiques ou politiques. Elles ne prennent leur sens que dans le cadre des fonctions et du rôle de l'université tels qu'on les conçoit aujourd'hui.

Deux impératifs préalables, néanmoins, dans l'approche conceptuelle de l'autonomie: premièrement, l'université ne peut qu'être indépendante du pouvoir politique, quel qu'il soit. Libre de toute allégeance politique, elle peut soumettre à la critique toutes les idéologies, tous les dogmes; l'argument d'autorité ne vaut pas dans une institution où règne le *libre examen*.

Deuxièmement, l'université ne peut pas être au service d'intérêts économiques, quels qu'ils soient. Elle doit être à l'abri des pressions, influences ou infléchissements d'ordre financier.

Les obligations des universités et des universitaires

Riche de sa totale liberté d'enseignement et de recherche, de son autonomie fonctionnelle, l'université n'en est pas pour autant libre de toute obligation. Qui dit droit, dit, en effet, devoir correspondant. Qui dit liberté, dit responsabilité. Personne n'en est plus conscient que le chercheur qui, s'il se sait libre d'avancer n'importe quel énoncé, ressent aussi l'ardente obligation de le prouver. De même, les membres du conseil d'administration universitaire, décideurs souverains, tiennent le plus grand compte, dans leurs décisions, de la nécessité de maintenir ou de rehausser le prestige de leurs situations qui seraient préjudiciables au bon fonctionnement administratif, menaceraient l'équilibre financier ou iraient manifestement à l'encontre des besoins de la société en matière de formation de ressources humaines.

Car il n'est pas vrai que l'université n'a de comptes à rendre à personne; elle est, concrètement, redevable devant la société dans laquelle elle est insérée, avec laquelle elle vit, par nécessité, en symbiose. Un seul exemple: l'époque de transition, de mutation que nous traversons exige en matière de connaissances une souplesse et une rapidité d'adaptation que nous n'avons pas encore intégrées. Il nous faut actualiser sans cesse nos compétences, approfondir dans des délais record telle spécialité nouvelle dont les applications peuvent bouleverser notre sphère d'activité profesionnelle, compléter notre savoir-faire dans telle discipline en

vue de nouveaux marchés. L'université doit pouvoir répondre à cette demande, en offrant des formations plus diversifiées, dans des structures et suivant des types de cours plus souples, en proposant, pour une formation tant initiale que continue, des filières moins compartimentées, qui reflètent grâce aux passerelles qui les relient, l'imbrication croissante des éléments de la réalité environnante. Si elle va ainsi au-devant de certians besoins vitaux de la société, l'université n'aura pas abdiqué son autonomie; au contraire, elle l'aura accrue dans la mesure de ses mérites, conservant ses prérogatives et son pouvoir, éventuellement, de dire non.

The accountability of the university is ultimately no different from that of any other social actor: it must demonstrate the relevance of its role to social needs and the effectiveness with which it performs that role. Its function in this context is not something determined once and for all. It has a heredity, rooted in freedom of enquiry, but this heredity must be expressed in interaction with an ever-changing social environment. Its autonomy is, in fact, an existential one. It exists and is defined through the exercise of a freedom that is essentially the freedom to act.

Relevance and quality

The twin watchwords of the university in our time should be *relevance* and *quality* since they are the keys to the effective affirmation of its autonomy. The challenge represented by the achievement of relevance and quality in our time should not be underestimated by the universities. Many of the functions traditionally assumed by the universities are now undertaken by the private sector or other state-funded bodies. In many important branches of science, for example, industry plays a leading role in fundamental no less than applied research. The specialized educational needs of many private-sector firms have created new requirements - particularly in the postgraduate sphere - which are not always met by existing institutions of higher education and which some companies prefer to organize or sponsor directly. Again, the communications revolution, the possibilities opened up by television, including satellite and cable TV, video cassettes, intelligent computers, CD-ROM technology capable of containing the Encyclopaedia Britannica on a 12-cm. disk, has profound implications for the universities. In many cases, they have responded to these challenges on their own initiative or at the instigation of industry or government. However, the forces of inertia can be strong, and it is clear that the universities, like Alice in Wonderland, have to run very fast indeed in order to stay where they are.

One of the main determinants of the quality of a university is the quality of its teaching staff. Such staff is generally of a high calibre and continues to enjoy a well-merited social prestige. However, the defense of university autonomy can in certain cases militate against necessary changes. Freedom to criticize a society is a rightly prized aspect of academic freedom, but such critical scrutiny is perhaps too rarely self-directed. University autonomy can indeed be the cover for corporatist attitudes, for abuses of privilege, such as the quasi-automatic granting of tenure, the practical effect of which is to weaken autonomy. My frequent encounters with government leaders, politicians, industrialists, and representatives of public opinion at large have highlighted some concern on this issue. Universities, like other institutions, need an effective quality control mechanism. Given their functions of teaching and research, this should not be of the same kind as in industry. But it should exist nonetheless. Unless the universities themselves introduce an effective mechanism of this kind, others will be tempted to do so for them. Specifically, what seems to be required is a well-defined policy of staff development, including pedagogical training and continued refresher opportunities in the speciality of each staff member, linked to a genuine system of evaluation covering both teaching and research. Some universities have made appreciable progress in this direction, but most still have a considerable way to go.

Improvements in the relevance and quality of university education will also require increased flexibility of internal structures. Despite efforts towards inter-disciplinarity, the divisions between departments and subjects remain too marked in many cases. Yet we live in a world in which such divisions are increasingly untenable, both from the theoretical and practical points of view, where the leading edge of research is increasingly situated at the intersection of traditional disciplines. The cult of degrees and diplomas has tended to reinforce this systemic conservatism, and a certain demystification of university degrees would perhaps serve the interests of genuine learning and research. We need to get away from the kind of insularity encapsulated in the famous words of the Cambridge don: 'All that I do not know is not knowledge'. True autonomy supposes openness within the university as well as between it and society at large.

Another essential component of institutional excellence is the quality of the students attending the university. At a time when higher education in many countries has become a mass phenomenon, preserving academic standards among the body of students has become an issue of the greatest importance for the university and its autonomy.

Access to higher education

Let me here reaffirm UNESCO's stance, going back to its foundation 46 years ago, in favour of access to higher education by all those young people intellectually equipped to pursue it. From this standpoint, we note with satisfaction the constant increases in recent decades in the numbers of students enrolled in higher education, which rose from 28.2 million in 1970, to 47.5 million in 1980, to 58.4 million in 1988, and today stands at over 61 million, representing a doubling in a period of some twenty years. It is also interesting to observe that, while enrollment *ratios* remain very significantly lower in the Third World, the most spectacular increase in gross enrollment figures for higher education has occurred in the developing countries, starting as they did from a much lower base. Indeed, the second half of the twentieth century has seen a veritable revolution in higher education, the consequences of which we are still working out today.

The right of the young to pursue the higher education course programmes for which they are qualified cannot in my view be called into question. However, as in the case of the university itself, this right implies corresponding responsibilities towards society. Doubtless it is true that societies make their wisest long-term investment when they invest in education. Students should nevertheless understand (and, if necessary, be reminded) that they represent the most privileged section of society and should be prepared to redeem the obligations that go with the advantages - material and intellectual - that they enjoy.

The time has indeed come to address several basic issues concerning higher education. Without calling into question the principle of open access, we need to review, as many countries are starting to do, the mechanisms for funding higher education. At the same time, there is a need to foster among young people the idea that fulfillment can be attained in many ways and not necessarily through the pursuit of university studies.

Graduate unemployment

A second issue, closely related to that of open access, concerns graduate unemployment. The under-employment of talented young minds is the most tragic waste of human potential. But it is worse to have *unqualified* unemployed, as they cannot be expected to come up with creative solutions, unlike those who are qualified. I have great reservations about the attitude of many graduates who, having completed their university studies, feel entitled as of right to secure and well-paid employment in return for their academic efforts. I strongly believe that students do not fulfil their implicit social contracts by graduating. In the competitive world of today, one of the major tasks of higher education institutions is to teach their students to take initiatives, to develop an entrepreneurial attitude to life. When twenty years ago, the Faure Commission produced its famous report for UNESCO, it gave it the title, "Learning to Be" ("Apprendre à être"). Today, it has become equally important to learn to undertake (apprendre à entreprendre). This means that graduates should not simply wait to be offered jobs but should actively seek them out. Moreover, they should, where possible, *create* jobs for themselves as well as for others. Incentives provided by the State - loans, taxes, and various kinds of facilities - can favour this process. I see no other solutions to the problems that many societies are facing. This prescription applies with particular force to eastern and central Europe, where economic recovery has as one of its necessary conditions new ideas and bold initiatives.

International co-operation in higher education

One of my themes in talking of university autonomy has been to emphasize the need for openness on the part of institutions of higher education. As Director-General of UNESCO, I cannot neglect the opportunity to speak on this occasion of the role of international co-operation in higher education. The theme is obviously important in its own right, but it is also of relevance to the subject of this Conference inasmuch as the intellectual freedom the university presupposes is inherently universal in scope and therefore implies international solidarity and co-operation.

How such co-operation should be extended merits the closest attention of universities. One of the paradoxical results of the efforts of universities in the developed world to educate and to train students from the developing world has been to reinforce the brain-drain phenomenon. It has been estimated, for example, that between 1984 and 1987 some 30,000 African graduates left their countries to study or work for the most part in the industrialized North. At the same time, according to UNDP figures, there were in 1988 some 80,000 foreign experts involved in technical assistance in sub-Saharian Africa alone. The cost to the countries concerned in terms of the loss of national expertise required for self-sustained development and the absorption of foreign aid allocations is enormous.

Here in eastern and central Europe, political developments have led to an alarming increase in the brain-drain phenomenon, linked as always to economic disparities. Some 229,000 specialists with advanced higher education are said to have left the Soviet Union in 1989, and it is estimated that if the trend continues, their number will rise to over one million by the year 2000. Other countries in the subregion are experiencing a similar sapping of their potential to tackle the fundamental problems posed by the task of national regeneration. Taking this into account, and although UNESCO is not a funding agency, I have decided to provide an exceptional allocation of $300,000 to the Russian Academy of Sciences. This decision is of course intended to help the scientific community of the Russian Federation, but beyond that, it is also a symbolic gesture to encourage the pride and the moral force of that country.

It is perhaps relevant, here, to evoke another problem that has arisen in some of the countries of eastern and central Europe. The attention of UNESCO has recently been drawn to the situation of a substantial number of students from the developing countries, especially in

Africa, who have suddenly found themselves without the means either to pursue their studies in their host countries or to return to their own countries. UNESCO has entrusted to its European Centre for Higher Education (CEPES) the task of evaluating the nature and the scope of this problem. I have noted with satisfaction that other organizations, notably the World University Service, have shown themselves concerned with the plight of these students. The intention of UNESCO is to launch an international campaign with a view to finding and applying adequate solutions to this problem, and I very much hope that the European universities will support us in these efforts.

What, however, can be done to address the problem of the brain drain? Obviously, there can be no complete solution, in this as in so many areas, without a reduction in the flagrant and unacceptable economic asymmetries that characterize our planet today. There are, however, some important palliative measures that can be proposed.

- The first of these involves the reinsertion of highly trained specialists in their countries of origin, if only for limited periods. I have been particularly impressed to learn that in Romania many academics who, often for political reasons, had left their country are now actively developing links between their institutions in Romania and the institutions in which they are now working abroad. The case of Professor Palade, the Nobel Prize laureate of Romanian origin, is a good example.
- The second measure would involve the development of a more coherent system of high-level training abroad for postgraduates from the developing countries, embodying clear provisions for the return of fellowship-holders to their countries of origin on termination of their studies. The example of the International Institute of Theoretical Physics and of the Third World Academy of Sciences, in Trieste, is most relevant in this regard.
- A third approach involves the devising of new modalities for the transfer of knowledge to the developing countries, including the creation of research facilities and the promotion of readier access to research data.

UNESCO's recently launched UNITWIN programme and its related UNESCO Chairs scheme are dedicated precisely to this end. UNITWIN is designed to develop university twinning and networking arrangements along North-South and South-South axes with the aim of promoting institution-building and exchanges of expertise and experience. UNESCO Chairs, of which some ten have already been established and some forty are in preparation, basically involve the creation, in partnership with universities and other international or funding bodies, of professorships enabling outstanding visiting scholars to provide the core expertise for the development of centres of excellence in fields related to sustainable development. I hope that this meeting, bringing together so many representatives of higher education from all parts of Europe, will be the occasion for reinforcing interinstitutional links and networking of all kinds between universities in Europe and elsewhere.

Renewal and collegiality

There is indeed a great need to revive among the European universities the spirit of collegiality and partnership, the origins of which can be traced back to the founding of the earliest university institutions. UNESCO regional programmes have always treated Europe as a whole and have systematically encouraged co-operation between East and West, even when ideological barriers made such co-operation problematic. The new political climate in Europe offers a unique opportunity to enhance pan-European academic dialogue and co-operation, to undertake common projects, to involve eastern European researchers in joint scientific ventures, giving universities in these countries access to new technologies and sources of information. UNESCO firmly believes that these networks, the nodes of which should serve as centres of excellence, reception, and communication, will prove more effective than traditional hierarchical institutions in promoting much needed co-operation and coordination based on genuine partnership and respect for social and cultural differences.

CEPES, the twentieth anniversary of which was celebrated last night, has an important role to play in the promotion of such co-operation. The recent installation in CEPES of a modern communications centre, acquired with the generous assistance of the Dutch Government, should provide a valuable underpinning for its efforts.

Conclusion

The role of the university, that of advancing and promoting knowledge through teaching and research, has never been more important than it is today when societies, individually and collectively, face so many fundamental problems for which information and education, allied to solidarity, can be the only solutions. Who can doubt that freedom and autonomy are the necessary conditions for the university to fulfil its role of generating and communicating knowledge? Who likewise can question the responsibility of the university to ensure that the freedoms it enjoys serve the general interest? Recognition by the universities of the need to achieve a difficult synthesis is doubtless the key to the full accomplishment of their mission as it is to the safeguarding of their essential freedom and autonomy. We are at a historical turning point from confrontation to co-operation, and universities must have the lucidity and courage to be at the forefront of this change, and the change should, before all, take place in the university itself.

Academic Freedom and University Autonomy

Maitland STOBART

Le conférencier transmet à la Conférence les meillieurs vœux de la part de Mme. Catherine Lalumière, secrétaire-général du Conseil de l'Europe, organisme qui est intéressé aussi bien par le sujet de la conférence que par une collaboration avec l'UNESCO et la Conférence des recteurs roumains. Dans une Europe à la fois plus unie et plus déchirée, l'enseignement pourrait jouer un rôle important dans la promotion des droits de l'homme, dans l'effort de faire en sorte que chacun se sente chez lui dans la "Maison commune d'Europe".

Mr. Minister,
Mr. Director-General,
Your Excellencies,
Ladies and Gentlemen,

It is a great honour for me to represent the Council of Europe at the opening of this Conference and to bring you the greetings of our Secretary-General, Madame Catherine Lalumière. To her great regret, Madame Lalumière could not attend the Conference because of the Spring Sessions of the Committee of Ministers and the Parliamentary Assembly of the Council of Europe. Furthermore, the President of the French Republic, François Mitterrand, is visiting the Council this week to lay the foundation stone of the new Human Rights Building.

Relevance of the Conference to Council of Europe activities

The Council of Europe is very pleased to be associated with the organization of this Conference for two reasons: Firstly, the subject of the discussions is of great significance for our democratic societies. As the author of the European Convention on Human Rights, our Organization attaches the highest priority to initiatives to strengthen democratic institutions and to guarantee freedom of ideas, expression, teaching, and research. Secondly, the Council attaches considerable importance to its co-operation both with UNESCO and with the European Rectors'

Conference. It is looking forward to developing its links with both organizations and with the Romanian Rectors' Conference.

The pan-European scope of the Council of Europe

During the past three years, the Council of Europe has become the widest intergovernmental and interparliamentary forum in Europe. At this week's Session of the Committee of Ministers, Bulgaria will become the 27th member state of the Organization. And Estonia, Latvia, and Lithuania will accede to the European Cultural Convention. This accession means that 34 states are now taking part in the programmes on education, culture, and youth of the Organization, and the number could rise to over forty in the next months.

The Council of Europe shares the vision which is proclaimed in the Charter of Paris for a New Europe. The Charter was adopted in November 1990 by the Heads of State or Government of the then 34 countries involved in the Conference on Security and Co-operation in Europe (the CSCE). They declared that "ours is a time for fulfilling the hopes and expectations that our peoples have cherished for decades; steadfast commitment to democracy based on human rights and fundamental freedoms; prosperity through economic liberty and social justice; and equal security for all countries".

On the other hand, the Council of Europe is also aware of the considerable problems facing the New Europe. At one level, there are co-operation, integration, and solidarity. At another, there are disintegration, fragmentation, intolerance, tensions and violence. Furthermore, economic change and restructuring are often accompanied by unemployment and marginalization, and there are fears that the New Europe could become a two-track society.

The role of the education programme

In this fluid and changing situation, the education programme of the Council of Europe is seeking to help its member states find answers to three overarching questions:

(i) how can education help to promote human rights and fundamental freedoms and strengthen pluralistic democracy? In response to this question, the education programme is carrying out work on human rights education and civic education in schools and on teaching about human rights in universities;

(ii) how can education help bring the peoples of Europe closer together and create a sense of "being at home" in the wider community that is Europe? In response to this question, the education programme is carrying out work on modern languages, on history, on geography, on school links and exchanges, and on mobility and equivalence.

(iii) how can education help the governments and the peoples of Europe meet the big challenges facing their societies? In response to this question, the education programme is carrying out work on education and the multi-cultural society and on adult education and social change.

The work of the Council of Europe in higher education is managed by the Standing Conference on University Problems, usually known as the CC-PU from its initials. It is a unique forum which brings together, on an equal footing, representatives of both ministries and universities to identify responses to the many demands which are being made on higher education in Europe. The CC-PU is represented at this Conference by a delegation led by its Chairman, Dr. Roberto de Antoniis of Italy.

In January 1992, the CC-PU organised, in Warsaw, an important Conference on Universities and Democratization. This Conference emphasized very forcefully that universities have a strategic role to play in building up democratic societies. At the same time, the Conference argued that universities will need academic freedom and autonomy if they are to fulfil this mission. The conclusions of the Warsaw Conference have been made available, and the Rapporteur, Professor de Moor, and one of the speakers, Professor Warbrick, are members of the Delegation of the CC-PU to this Conference.

The Council of Europe hopes that the results of the discussions in Warsaw will enrich the reflections here in Sinaia. And, in turn, it intends to use the outcomes of this Conference in Sinaia in the ambitious new project of the CC-PU on the reform of legislation on higher education in central and eastern Europe. The aim of this project is to help our new partners to democratize and to update their legislation on higher education and to give academic freedom and university autonomy a firm basis in law. The two conferences, in Warsaw and Sinaia, therefore, complement each other, and the Council of Europe and UNESCO are convinced that they will result in genuine synergy for the benefit of universities throughout Europe.

On the Concept of Collective Autonomy

Hinrich SEIDEL

Les objectifs de l'autonomie collective, notion en vogue il y a dix à quinze ans, sont quelque peu délaissés aujourd'hui en faveur d'une concurrence institutionnelle à outrance. La Conférence de Sinaia sur les libertés académiques et l'autonomie universitaire espère redonner du souffle à l'autonomie collective vu qu'elle seule peut combattre la tendance en faveur de division pour mieux régner et la fragmentation en donnant un objectif aux libertés académiques en tant qu'incarnation de l'autonomie universitaire. De plus, le manque de ressources est tel, face à la concurrence farouche d'autres acteurs sociaux et économiques, que seulement une autonomie collective peut offrir à l'enseignement supérieur de quoi faire peser son poids.

Introduction

The concept of *collective autonomy* was fashionable some ten or fifteen years ago when the universities of northwestern Europe were developing rapidly and needed some kind of common voice in order to negotiate with the government officials whose task it was to allocate funds. It lost some of its relevance when the scarcity of resources forced institutions to compete for the same subsidies, and when the number of potential donors grew - whether foundations, regional and local authorities, or various commercial, financial, and industrial enterprises. Even if general objectives were deemed useful, the trend towards the individual quest for money and prestige became dominant - an evolution that mirrored the accepted mood of liberalism and laissez-faire now prevailing in most western countries.

Role of the Sinaia Conference

The Sinaia Conference on Academic Freedom and University Autonomy will perhaps usher in a return to the idea of collective autonomy. Firstly, national and international resources are being fought over by *lobbies and power structures* which are more vocal than institutions of higher education, the unemployed, the aged, obsolete industry, or impoverished farmers. Secondly, in absolute terms, the existing resources will never correspond to the needs, unless *the system as a whole* is reshuffled to engage in innovative teaching and research. Thirdly, education must respond to social demand in global terms, not simply by admitting the growing numbers of young people knocking at the doors of higher education institutions, but also by catering to new *clientèles* requiring skills and knowledge which are appropriate to their relevance in a changing society. The powerlessness, poverty, and inadequacy of universities as institutions have become all the more obvious since the collapse of the political structures in central and eastern Europe. In fact, we are all, to varying degrees, confronted with a similar situation.

This situation expresses itself in three similar guises: *fragmentation*, *atomisation*, and *balkanisation*, as if the system and its institutions had disintegrated: fragmentation into pieces which, like broken china, even when mended, will clearly show its cracks; atomisation into small units that tend to pursue their own individual interests without referring to a general framework; and balkanisation into parts determined to assert their existence at the expense of others. Certainly, academic life in Europe has not yet reached such a level of disintegration. However, with massification and fewer resources, the survival of the fittest could become a good description of what may await us in the coming years.

In order to avoid the trap of Babel, universities need integrity; in other words, they need a clear awareness of what they have in common as centres of higher learning, of the compact which unites their members into an academic institution, and of the convention which brings them together as an educational system. In short, they need a shared identity. Academic freedom, a responsibility to seek and convey truth, is the core of this identity. Responsibility is not disincarnate, however, and the academic community, to be true to itself, must devote its skills and knowledge to the society to which it belongs, both local, regional, national, and international. This commitment requires a sense of partnership, and this partnership means an autonomous voice in the concert of social development.

Integrity and social involvement call for an understanding of the role of higher education and research as a whole, so that each institution can excel at what it does best, with all institutions contributing in their own way to a common task, namely, the development and transmission of knowledge. The search for this understanding underpins the creation of rectors' conferences and university associations, including the Standing Conference of Rectors, Presidents, and Vice-Chancellors of the European Universities (CRE). The latter aims to explore the conditions needed to ensure the integrity of higher education and research in Europe, independent of but also in collaboration with the social partners of academe, the political and economic authorities. Critical loyalty to one's own sense of purpose is indeed the surest way to provide a competent service corresponding to the needs of society.

Conclusion

Collective autonomy is the best antidote to fragmentation since it gives a sense of direction to academic freedom as embodied by university autonomy.

University Autonomy

Walter KAMBA

L'auteur estime que les problèmes de la liberté académique et de l'autonomie universitaire sont d'une importance primordiale pour l'enseignement supérieur, les présentant dans la perspective de l'abolition de l'apartheid, idéologie et pratique néfastes, qui contredisent l'idée même d'universalité et de diffusion des connissances dans la communauté mondiale. L'impact bénéfique que les événements ayant ébranlé l'Europe ces dernières années ont eu sur la vie universitaire va s'étendre au-delà des frontières du continent, dans les pays en voie de développement. Les universités, autant par l'enseignement qu'elles dispensent que par l'organisation de la recherche, doivent contribuer au développement socio-économique et à l'amélioration de la qualité de la vie dans tous les pays. Pour ce faire, elles doivent jouir de liberté académique et d'autonomie, deux principes indispensables à la réalisation de leurs objectifs mais elles doivent aussi, en échange, répondre aux attentes et justifier les ressources que la société leur alloue.

Mr. Chairman,
Distinguished participants,

I feel particularly honoured and privileged to have been invited, in my capacity as President of the International Association of Universities (IAU), to participate in this important conference.

Role of the IAU

The IAU is the only organization which embraces on a global scale universities which exist and operate in the whole range of social, economic, and political systems prevailing in the world today.

The issues of academic freedom and university autonomy are of crucial concern to all universities. What brings us together at this conference is a community of interests and shared values. The IAU provides, *inter alia*, an international forum for the discussion and exchange of views and experiences on these common interests and shared values.

In 1990, the IAU held its quinquennial conference in Helsinki. The conference coincided with the new situation in central and eastern

Europe. Many of you who attended the conference will recall the enthusiasm and spirit of solidarity engendered by the interface, both individually and collectively, between and amongst heads of universities from all over the world. It was at this conference that the Director-General of UNESCO, Dr. Federico Mayor, launched his UNITWIN programme.

The universality of the university

Two weeks ago I had the privilege, honour, and pleasure, as guest speaker, to participate in the events and the ceremony for the installation of Nelson Mandela as Chancellor, and Chabani Manganyi, as Vice-Chancellor of the University of the North in South Africa. It was a moving and truly historic occasion on two counts. Firstly, nobody could ever have imagined, four years earlier, that Nelson Mandela, who had been incarcerated in South African prisons for some 26 years for his unrelenting opposition to apartheid, could become the Chancellor of a university in his own country. Secondly, the occasion was momentous in that Mandela and his Vice-Chancellor were the first black South Africans to hold these positions even though the university had been established some thirty years earlier as a racially segregated black University.

In South Africa, ethnic universities were deliberately created as part of the grand design of apartheid. The racial and ethnic compartmentalization of education in general and universities in particular was the cornerstone of apartheid.

The grave sin of apartheid with regard to academe was that it attempted to racialize and tribalize the generation, dissemination, and application of knowledge. The restriction of admission to a university on racial, ethnic , or tribal criteria is not only offensive to human dignity but is a contradiction in terms. A university - a universitas - is all embracing. It is founded on the basic principle and concept of universality not only within itself but also in its shared values with sister universities in the world community. Surely it is self-evident that the pursuit of knowledge and truth defies racial and ethnic origins and affiliations.

Apartheid was one of the extreme examples of an attempt not only to infringe but to degrade and devalue academic freedom and university autonomy in respect of a politically powerless section of a community.

The majority of the people of South Africa and the world know and have always known that there was no way in which apartheid could survive. Not only did it defy the fundamental nature of humankind, but it also sought to contradict the tide of history. The dramatic events triggered by South African President de Klerk in 1990 are part of the cumulation of events which will, as they must, inevitably lead to the dismantling of apartheid and the establishment of a truly democratic South African society. This experience underlines the link between academic freedom, university autonomy, and the democratic process. The link is not correlative but crucial.

What has brought us here together, what has brought the issue of academic feedom and university autonomy to centre stage in central and eastern Europe is the demise of communism and totalitarianism and the advance of pluralism and democracy.

The events in central and eastern Europe over the past 4 years have had ramifications far and wide, well beyond the borders of Europe. There is no doubt that the resurgence of academic freedom and university autonomy will equally have an impact beyond the boundaries of Europe.

Academic freedom and university autonomy

"Academic freedom (and university autonomy) lie at the heart of all true universities", asserted the then Vice-Chancellor of the University of the South Pacific in defense of his University which was under attack from a Government which had seized power in a coup.

I do not propose to rehearse any further the questions of the definition and parameters of these two concepts. The task has been done eloquently and adequately by the keynote speakers. They virtually left no room for additions or further elaboration.

The main dangers to academic freedom and university autonomy emanate from governments and are to a large extent a factor of the extent to which a democratic system exists and operates in a country. Historical experience demonstrates that the more undemocratic a system of government, the higher the degree of intolerance of other points of view and the more likely is the suppression of academic freedom and infringements of university autonomy.

It is important to note that interference is not limited to governments; it may emanate from other bodies, public, private, social, or religious. What many governments and these other bodies fail to appreciate or refuse to understand and accept is that the defense of academic freedom and university autonomy is not defense for its own sake: it is not an attempt or desire on the part of universities to protect a privileged position. It is not a defense of academic freedom as an end in itself. Academic freedom and university autonomy are indispensable preconditions for universities to discharge their educational and social responsibilities.

Responsible autonomy

The justification for the creation and existence of universities generally and in our developing countries in particular is that they must make a difference to the human condition, to the social and economic conditions of the people - all the people - the ultimate goal being the improvement of the quality of life of the people.

The universities of the developing countries are part of the western academic tradition dating back to the founding of the University of Bologna which celebrated its ninth centenary some four years ago. At the height of the western traditional concept of a liberal university education, there was an almost exaggerated emphasis on the pursuit of knowledge for its own sake. The twin functions of a university were seen as the discovery and dissemination of knowledge, or, to put it in common parlance, research and teaching. But, so it was argued, one discovers knowledge irrespective of the use to which it may be put. That was *Ivory Towerism* at its best. While a degree of *Ivory Towerism* is necessary, a strict and narrow adherence to it is a luxury that a university in a developing country cannot afford.

Even the industrialized countries have discovered that such a restrictive philosophy can be an unaffordable luxury. The gigantic advances in science and technology in this century as well as the rapid and intensive social, economic, and political transformations the world over have led to a reordering of priorities in industrialized countries and to the viewing of universities as major contributors to development.

It is true to say that we must recognize that our universities are indispensable to socio-economic development and to the improvement of the quality of life of societies in general, and of the particular societies in which they exist and operate. In the generation, dissemination, and application of knowledge, in the provision of highly skilled manpower and in the rendering of public and community service, the university must play, and must be seen to play, a crucial role in the development of the people and country. The university must be at the centre and not on the periphery of development. Development embraces the challenges caused by the search for national and cultural identity, by the problems of poverty, the need for social adjustment, the problems of economic progress, and the need to halt environmental change and degradation.

Our universities must conduct research which can assist in finding solutions to the various social and economic problems that afflict our societies without of course abandoning fundamental research. Our universities must provide leadership in research. They must aim at producing graduates who are adequately equipped to contribute to the development of our societies. The universities must be relevant in terms of social context, in terms of the content of their curricula, and in terms of the needs of the country, that is, in terms of their contribution to development. Relevance of this sort is the major social responsibility of universities.

For the university to play a meaningful role and to discharge its responsibilities effectively, it must enjoy a high degree of academic freedom and autonomy. As part of its autonomy, it must have freedom to run its own affairs without external interferences. It must have the right to organize its internal affairs; to make decisions, to establish its own academic programmes, i.e. its own teaching, research, and training programmes. It must determine for itself what is taught, how it is taught, who is taught, and by whom it is taught.

Links between academic freedom and university autonomy

Academic freedom is interrelated with autonomy. The generation, dissemination, and application of knowledge is fundamental to human progress. 'Knowledge is power' goes the old adage. It is only through knowledge, for example, that developing countries can rectify the gross imbalances that exist today which include the high concentration of scientific and technical knowledge in the north. It is through knowledge that the greater proportion of humankind can be emancipated from the scourges of poverty, hunger, and disease. As we know, the boundaries of knowledge are not finite. To advance the frontiers of knowledge, it is necessary to cultivate a questing and critical mind, a mind imbued with the spirit of curiosity. It is essential for teachers and students to discuss, evaluate, examine, re-examine, criticize, and investigate ideas and engage in rational and dispassionate disputation or discourse. The university is a market place of ideas where, in the words of the renowned American Judge, the late Oliver Wendell Holmes, "The ultimate good is reached by a free trade in ideas."

In its provision of highly trained and highly skilled manpower, the university must provide graduates who are creative, who are capable of generating ideas. This task can only be achieved in an environment which allows free, independent, objective and scientific inquiry, free from unnecessary interference. It is recognized that the principles of academic freedom and university autonomy, like other rights in society, are not absolute, but the justification for their curtailment is not easy to make. Universities must in turn accept that the enjoyment of academic freedom and autonomy carries with it responsibility and accountability to society.

In terms of accountability, it is important to recognize that universities are expensive to establish and to run. They consume a substantial proportion of the scarce resources of a country. Communities and governments are entitled to expect the proper, efficient, and effective use of resources allocated to universities.

Conclusion

Academic freedom and university autonomy are principles which universities should jealously guard and vigorously defend, principles which governments and communities should, in their own interests, respect, for they go to the very root of the university enterprise. The defense of these principles is not a one-off activity; it is a continuous, never-ending process. These are principles which all true universities must cherish. In our truly interdependent *Global Village*, international and regional co-operation have become critical elements in providing solidarity and mutual support amongst universities to assist them in the discharge of their responsibilities.

The internationalization of minimum or baseline requirements for academic freedom and university autonomy has become necessary for their preservation. The various declarations that have been referred to are important bricks in the creation of a sacred building of academic freedom and university autonomy.

Section II

Academic Freedom and University Autonomy: connotations and challenges

Autonomie Universitaire et Libertés Académiques:

Le Mythe, le Dogme et les Réalités[1]

Justin THORENS

The modern university originated in Christian medieval Europe in the 11th and 12th centuries as a teacher-student corporation the aim of which was advanced instruction in such subjects as law and theology and a universally acknowledged position for its members. The autonomy of this medieval institution was immediately jeopardized by inevitable financial and ideological impositions, since its operation depended upon the good will of the State and the Church. Some theories defended university autonomy, others subordinated it to state/church interests, so that the status and role of the university today remains uncertain. Universities are still deprived, in variable degrees, of certain liberties, their autonomy being transgressed even by state-funded priority projects. It therefore becomes imperative to adopt a universal charter for university autonomy and fundamental academic liberties, which should also consider the delicate border line between permissibility and interdiction in the academic world.

"...Hac igitur generali et in eternum valitura edicinus lege, ut de cetero nullus ita audax inveniaturm, qui aliquam scolaribus iniuriam inferre presumat, nec ob alterius ejusdem provincie debitum, quod aliquando ex perversa consuetudine fieri audivimus, aliquod dampnum eis inferat..."[2]

... "Verumtamen si eis litem super aliquo negotio quispiam movere presumpserit, huitus rei iptione scolaribus data, eos coram domino aut magostro suo vel ipsius civitatis episcopo, quibus hanc iurisdicionem dedimus, conveniant..."[3]

Autentica Habita, 1158

Frédéric Barberousse

Le mythe

La **Constitutio Habita**, dont est cité en exergue quelques lignes, est la première loi consacrée à l'autonomie universitaire et comme les universités sont sensibles à leur passé séculaire, ce texte, octroyé à l'Université de Bologne en 1158 à Roncaglia par Frédéric Barberousse, a pris une portée exceptionnelle et sans commune mesure avec la volonté de son auteur. En réalité, la **Constitutio Habita** avait été donnée dans le but de protéger les juristes de droit civil en leur accordant les mêmes privilèges que ceux dont jouissaient les juristes canonistes qui étaient des clercs, car l'Empereur voulait encourager l'étude du droit romain favorable au système impérial.

Quand on l'étudie on constate que ce document n'a qu'un rapport lointain avec les notions d'autonomie universitaire ou de libertés académiques telles que nous les concevons aujourd'hui, mais grâce à son antiquité et au fait qu'il s'agit du premier texte en la matière il est à l'origine de ce qu'on pourrait appeler le mythe de l'autonomie universitaire. Comme pour tant d'autres événements historiques, on est tenté de reprendre la distinction faite par Bartolomé et Lucie Bennassar dans un beau livre qu'ils viennent de publier (*1492, Un monde nouveau*, Paris, Perrin, 1991) entre le "temps vécu" et "le temps recréé".

On ne peut d'ailleurs examiner la notion d'autonomie universitaire, et celle des libertés académiques, sans se pencher sur l'université elle-même et en premier lieu sur la naissance de l'université européenne, car il faut se souvenir que l'université, au sens moderne du mot, est née dans la Chrétienté occidentale des XIème-XIIème siècles. Certes des grandes écoles ont existé depuis les millénaires et certaines, telles Al-Azhar au Caire, Zaitouna à Tunis et Quaraouiyine à Fès dans le monde islamique subsistent aujourd'hui encore et continuent de jouer un rôle de premier plan. Il paraît établi cependant que c'est seulement à cette époque et en ce lieu qu'on a réalisé pour la première fois qu'une institution différente était née, que nous appelons université.

Il y avait université si deux éléments notamment étaient réunis, une corporation d'enseignants ou d'étudiants ou d'enseignants et d'étudiants et le *studium generale* accordé par le Pape et/ou l'Empereur, c'est-à-dire le droit de décerner un titre reconnu dans toute la Chrétienté.

En fait, des changements non négligeables sont intervenus très rapidement.

Les souverains comprenant la valeur de la nouvelle institution et le prestige qu'elle leur apportait ont créé des universités dans leur propre domaine, se considérant selon la formule consacrée "comme empereur dans leur royaume", ce qui a porté atteinte à la conception "universelle" de l'université en la rattachant à un Etat donné. Ensuite la Réforme en déchirant la Chrétienté d'Occident a rompu l'unité religieuse. Ces événements ont donc eu pour conséquence une double modification de l'université par une rupture politique ou territoriale et par une rupture religieuse.

L'autonomie universitaire s'est atténuée aussi presque immédiatement devant le coût financier de l'université.

On a pu dire que dès le moment où les honoraires versés aux professeurs par leurs étudiants ne leur ont plus permis de vivre, l'autonomie complète de l'université a été mise en question. De surcroît l'exigence à côté d'un corps professoral stable, convenablement rémunéré, de bâtiments et de bibliothèques a eu pour conséquence de fixer les universités à leur lieu de résidence et de les faire dépendre de l'intérêt et de la bienveillance de *l'Eglise*, des princes et des villes.

Le dogme

L'Autonomie universitaire, tel un dogme, est invoquée de façon constante, mais sans qu'on définisse réellement ce qu'elle est et sans qu'on ait pu circonscrire son caractère irréductible, en d'autres mots cet essentiel intangible sans lequel il n'y aurait pas d'autonomie et donc pas d'université.

En réalité ce dogme est un postulat qui nous pose deux questions. La première, peut-on définir l'autonomie universitaire? La seconde, cette autonomie est-elle nécessaire au bon fonctionnement de l'institution?

Si l'on essaie d'approcher la notion d'autonomie au sens large, on peut de façon sommaire et peut-être simpliste la décrire dans l'absolu comme étant la liberté de l'université d'agir en tant qu'institution sans interférence d'un autre corps social ou de tout individu quels qu'ils soient; c'est donc la liberté pour l'institution elle-même de s'organiser et de prendre toutes décisions la concernant.

A l'origine l'autonomie universitaire se trouvait dans l'autonomie coutumière de la *corporation* du Moyen-Age et dans la garantie que l'autorité suprême de l'Occident assurait par sa haute protection à l'institution en lui octroyant de plus le *studium generale* qui lui permettait de décerner la *licentia ubique docendi*.

La question qui se pose aujourd'hui est bien évidemment celle de savoir si cette autonomie est encore justifiée alors que toutes les structures et la plupart des conceptions du Moyen-Age ont disparu.

La justification de l'autonomie ne peut reposer que dans la mission de l'université, c'est-à-dire son rôle dans et pour la société, car l'université, il faut le dire avec force même si cela va de soi, n'existe pas pour elle-même, mais en fonction de son utilité sociale, ce qui nous amène à une autre question: quelle est la mission de l'université?

On admet d'une façon générale actuellement que la mission de l'université est de rechercher et de transmettre la vérité. On peut et, me semble-t-il, on doit se demander si cette mission est suffisante et exhaustive. Ne doit-on pas y ajouter - c'est peut-être la même chose, mais pas forcément, car apportant un jugement de valeur personnel et donc forcément subjectif - le devoir de favoriser le développement de l'homme, son épanouissement et donc en un mot son bonheur?

On doit souligner immédiatement ici que la recherche et la transmission de la vérité supposent que la vérité ne soit pas totalement connue et doive être approfondie si on la connaît plus ou moins, ce qui suppose à son tour d'accepter et même de demander un esprit critique chez l'universitaire. Cet esprit critique doit donc s'exercer à l'égard des théories admises, que ce soit celles de l'Etat, de l'Eglise, de la société ou des milieux dominants. Et c'est sans doute là que réside la justification de l'autonomie universitaire, comme d'ailleurs celle des libertés académiques, car elles garantissent l'indépendance de l'institution et de ses membres dans l'accomplissement de leur mission.

On rejoint ainsi la notion des libertés académiques de l'universitaire individuel et on peut donc, dans une première approche, décrire l'autonomie universitaire comme la liberté de l'institution et les libertés académiques comme la liberté de l'universitaire.

Si on admet cette conception on est amené à porter un jugement de valeur sur la ou les vérités, car si on est sûr de détenir la vérité absolue, elle est par hypothèse totalement découverte et intangible si bien que l'université et l'universitaire n'ont alors qu'à la transmettre et non à la rechercher ou à la critiquer.

Cette question pose un problème particulier tant aux universités religieuses qu'à celles fondées sur toute idéologie dans la mesure où leur mission est de maintenir une orthodoxie qu'elles considèrent comme permanente et définitive. On peut en conséquence se demander si autonomie et liberté académique sont même concevables dans une université attachée à l'orthodoxie intangible et strictement déterminée de l'église ou de la société dont dépend cette institution. La réponse est sans doute négative.

On admet aujourd'hui que les deux devoirs et moyens principaux de l'université pour accomplir sa mission sont l'enseignement et la recherche.

Ce sont ces devoirs de l'université fondés sur sa mission qui justifient l'autonomie et les libertés académiques, car la recherche et l'enseignement de la vérité ne peuvent être menés complètement et avec le maximum de chances de succès que dans la liberté, la sérénité et la tranquillité d'esprit nécessaires.

Je tiens à souligner d'ores et déjà ici pour éviter d'être mal compris dans la suite de cet exposé qu'à mes yeux l'intervention de l'Etat peut être salutaire, voire même indispensable pour réveiller les hautes écoles lorsqu'elles s'endorment, tombent dans la médiocrité ou faillissent à leur devoir. En effet il n'y a pas d'autonomie sans responsabilité. L'université, il faut le rappeler avec insistance, n'existe pas pour elle-même mais seulement en fonction du rôle qu'elle doit jouer dans la société.

En conséquence il est justifié que l'Etat comme agent ultime de la société exerce un certain contrôle sur l'université pour être certain que celle-ci remplisse le rôle éminent qui est le sien et utilise intelligement et conformément à sa mission les ressources considérables qui lui sont attribuées, de même que pour la protéger contre les empiètements d'autres corps sociaux ou d'individus quels qu'ils soient, sans oublier dans cette optique l'influence exagérée que peuvent prendre aujourd'hui les milieux écononomiques.

L'Etat doit exercer ce contrôle et cette protection dans le respect de l'autonomie universitaire et des libertés académiques nécessaires dont l'université a besoin pour remplir sa mission, en s'interdisant toute ingérence inutile.

La realité historique

L'histoire n'étant jamais inutile il est sans doute intéressant à ce stade d'énumerer les principaux systèmes ou théories classiques de l'autonomie universitaire pour avoir une idée *concrète*, si je peux me permettre ce paradoxe, avant d'étudier la situation actuelle et son évolution probable. Je ne reviendrai pas sur l'université du Haut Moyen-Age et ne remonterai pas au-delà de l'époque moderne qui a déterminé sous ses divers aspects l'université d'aujourd'hui.

Le système anglais que j'appelerai classique, c'est-à-dire celui qui a fonctionné jusqu'à la fin des années 1970, a été regardé comme quasiment idéal. Il découlait directement de celui de la corporation du Moyen-Age. L'université était une corporation libre de s'organiser comme elle le voulait, le rôle de l'Etat se limitant à favoriser sa mission en lui assurant son existence juridique, l'indépendance et les moyens financiers nécessaires. Ce système était envié par tous les universitaires du monde.

La théorie de Kant formulée en 1798 repose sur la distinction entre les branches dans lesquelles l'Etat a le droit et le devoir d'intervenir à cause de leur impact social (théologie, droit, médecine) et les autres, notamment la philosophie, qui adonnée directement à la recherche de la vérité doit bénéficier d'une autonomie complète.

Humboldt, lui, souligne le rôle général de l'Etat, tout en indiquant que ce rôle est de favoriser la mission de l'université en mettant à la disposition de celle-ci les moyens nécessaires afin qu'elle puisse remplir complètement cette mission, s'interdisant toute intervention non absolument nécessaire; en quelque sorte l'Etat et l'université sont deux partenaires agissant dans le même but.

A l'opposé de ces systèmes on trouve l'université napoléonienne créée comme un service de l'Etat, qui lui est donc clairement subordonnée et dont le but principal est de former les fonctionnaires ainsi que les cadres supérieurs dont la nation a besoin en assurant à celle-ci la stabilité et l'unité.

Je mentionnerai encore les systèmes des diverses universités religieuses auxquelles j'ai déjà fait allusion qui, fondées sur une orthodoxie plus ou moins étroite, dépendent de l'église qui les a fondées, ce qui limite ou supprime leur autonomie envers celle-ci, notamment en théologie et philosophie, si elle la favorise à l'égard de l'Etat et du reste de la société.

Enfin les universités privées telles qu'elles existent aux Etats-Unis jouissent d'une très grande liberté dans la mesure où, possédant un patrimoine important et de vastes ressources financières, elles n'attendent pas leur budget de l'Etat. Il convient cependant d'être attentif au fait que compte tenu du coût d'une université actuelle, notamment en matière de recherche, même les plus grandes d'entre elles dépendent aujourd'hui de plus en plus des subventions ou contrats fédéraux. De surcroît je crois qu'on peut ajouter que sans les privilèges fiscaux que l'Etat leur accorde elles ne pourraient continuer à exister.

L'autonomie universitaire aujourd'hui

Il peut être utile pour comprendre la notion d'autonomie dans toute sa diversité et sa complexité de recourir à la théorie de G. Neave qui préfère parler des frontières mouvantes existant entre l'Etat et l'université.

En définitive, l'université est plus ou moins autonome selon le plus ou le moins d'intervention de l'Etat, car celle-ci est déterminante. En fait d'ailleurs l'Etat intervient toujours, même en décidant, consciemment ou inconsciemment pour des raisons historiques ou politiques, de ne pas le faire, mais en donnant à l'université le droit juridique d'exister, en garantissant son autonomie et en favorisant financièrement de façon directe ou indirecte.

Ceci rappelé, si on examine la situation aujourd'hui on s'aperçoit qu'il y a eu des changements essentiels au cours des dernières années, disons depuis la fin de la dernière guerre mondiale, dans les relations de l'Etat et de l'université dans les pays dits démocratiques, mais aussi dans tout Etat quel qu'il soit qui a voulu développer son système d'enseignement supérieur et de recherche.

Ces changements sont dus notamment à l'augmentation vertigineuse du nombre d'étudiants, à l'augmentation non moins vertigineuse du coût de la recherche et aux conséquences sociales de ces deux éléments.

Ces conséquences sont d'une part la modification profonde des structures de la société due à l'augmentation du pourcentage d'universitaires dans la population; le risque de chômage intellectuel de cette frange toujours croissante de la société; la dévalorisation relative des autres formations et la diminution du nombre des jeunes qui les choisissent, notamment en ce qui concerne les métiers manuels, ce qui entraîne un déséquilibre social dangereux; le poids financier devenu écrasant de l'université pour la société avec son impact sur les autres tâches de l'Etat.

D'autre part on relève la volonté dans les Etats dits démocratiques à la fois de démocratiser l'institution et de la rendre plus efficace.

L'action de l'Etat en ce qui concerne la démocratisation entraîne l'augmentation considérable du nombre des étudiants traditionnels, c'est-à-dire venant de l'enseignement secondaire; l'arrivée à l'université de nouveaux publics; le fait pour l'Etat de favoriser l'accès à l'université, mais de ne pas *aimer* les échecs universitaires; le danger du chômage intellectuel et des troubles et frustations qu'il entraîne; la démocratisation de l'organisation interne de l'université par la co-participation des membres de tous les corps de l'institution.

Sur le plan de l'efficacité, et quelques fois en contradiction avec l'idéal de démocratisation, l'Etat veut renforcer la direction de l'université, lui donner davantage de pouvoirs pour lui permettre de faire face aux exigences nouvelles entraînées par les développements actuels et les souhaits tant de la société en général que du monde économique; mais on remarque qu'en même temps il veut se prononcer sur la qualité des études et de la recherche de même que sur les buts de l'institution.

Si l'on cherche maintenant à déterminer les principaux domaines de ce que j'appellerai l'autonomie formelle de l'université on peut énumérer, sans être limitatif d'ailleurs:

1. le droit de posséder un patrimoine et de le gérer;
2. l'utilisation libre du budget;
3. la désignation de la direction;
4. la liberté de la direction;
5. la liberté d'admettre et de refuser les étudiants;
6. la liberté de décider de l'échec ou de la réussite des examens et donc de l'octroi des diplômes;
7. la nomination et la révocation des membres du corps enseignant;
8. la nomination et la révocation du reste du personnel;
9. la liberté d'établir le curriculum des études;
10. la liberté de choisir et de conduire les recherches;
11. le droit d'obtenir et de recevoir des fonds d'autres sources que l'Etat;
12. le droit de passer des contrats;
13. le droit de déterminer le développement et l'étendue tant de l'institution que de ses activités;
14. enfin, et cela est une survivance directe bien que modifiée de la **Constitutio Habita**, une relative autonomie coutumière de juridiction intérieure, cette autonomie qui fait qu'aujourd'hui encore il est mal vu que la police intervienne à l'université, en tout cas si elle n'a pas été appelée directement par l'autorité universitaire légitime elle-même.

Les éléments mentionnés ci-dessus constituent ce dont bénéficierait une université plus ou moins complètement autonome par rapport à l'Etat et à la société. L'immense majorité d'entre elles ne disposent que d'un certain nombre de ceux-ci, et cela dans des proportions extrêmement variables, car les systèmes nationaux sont très différents.

Plus encore certains éléments qu'on pourrait considérer comme fondamentaux de l'autonomie font souvent défaut.

Ainsi d'une façon générale en Europe continentale occidentale, nombre d'universités ne disposent d'aucune autonomie réelle à l'égard de leurs étudiants nationaux puisqu'elles doivent accepter sans possibilité d'examiner leur candidature tous ceux qui sont titulaires du diplôme de fin d'études secondaires correspondant au baccalauréat. De même le choix et la nomination des professeurs comme du personnel administratif et technique dépendent souvent largement et parfois totalement de l'Etat. Plus encore il n'est pas rare que l'autorité suprême de l'université, recteur ou président, soit nommée plus ou moins directement par le pouvoir politique.

Enfin et surtout il faut bien comprendre que nous avons parlé jusqu'à maintenant d'autonomie formelle, car cette autonomie est limitée en fait de façon considérable, même si elle existe, par un ensemble de phénomènes qui échappent à l'université, mais l'enserrent et la contraignent à suivre une attitude dictée par l'Etat.

En effet l'Etat concède cette autonomie formelle dans une mesure plus ou moins grande, mais toujours aujourd'hui sous réserve d'un contrôle *a posteriori* fait en fonction de ce que l'Etat et selon lui la société attendent de l'université.

Dans le même ordre d'idées, si les Etats unitaires ont une certaine tendance, dans un but d'efficacité, à décentraliser leurs universités, celles-ci dépendent alors plus étroitement des régions qui leur fournissent tout ou partie de leur financement. En un mot l'Etat (qu'il s'agisse de l'Etat central, d'une province, d'un *Länd* ou d'un canton) paie, mais toujours à conditon que l'université remplisse correctement à ses yeux la mission pour laquelle il estime qu'elle a été crée; par exemple en admettant tant d'étudiants, en favorisant telle branche du curriculum, en procédant à des recherches dans tel domaine, en répondant à tel besoin de l'économie de marché. En définitive l'Etat paie mais il faut lui obéir comme il faut obéir au marché qui veut telle formation et des recherches dans tels domaines. L'Etat par exemple permet des contrats, les favorise pour soulager ses finances et sous le prétexte d'autonomie, mais alors l'université peut en arriver à dépendre de ces contrats, ce qui supprime en fait sa liberté et son libre choix devant les dures exigences de la réalité économique.

On retrouve la même influence indirecte, mais très présente, si l'Etat octroie une enveloppe à l'institution et non plus un budget détaillé, ce qui bien sûr est en faveur de l'autonomie, mais entraîne pour l'université des choix qu'elle ne peut faire qu'en fonction des désirs de l'Etat si elle veut continuer à obtenir son budget à l'avenir.

De même, aussi, l'existence de grands projets nationaux de recherche et plus encore, comme en Suisse actuellement, de projets dits prioritaires constituent aussi une atteinte à la liberté de la recherche en orientant de façon irrépressible, compte tenu de leur impact budgétaire, l'activité des hautes écoles dans ce domaine.

L'autonomie universitaire est-elle nécessaire?

En définitive on constate qu'il y a des différences extrêmement considérables dans les systèmes d'un pays à l'autre et dans certains pays d'une université à l'autre. Une question se pose donc à laquelle on n'échappe pas: ces différences affectent-elles la qualité de l'enseignement et de la recherche? Affectent-elles la mission de l'université dans la recherche et la transmission de la vérité, de même que son rôle en faveur de l'épanouissement de l'homme si l'on admet que cette dernière exigence fait partie de la mission de l'université?

En d'autres mots peut-on dire réellement que l'université d'un pays A est meilleure que celle d'un pays B parce qu'elle jouit de plus d'autonomie?

On peut poser le problème d'une autre façon. Quel est l'élément essentiel, intangible qui ne peut être enlevé à l'autonomie universitaire pour que l'institution puisse remplir sa mission? Il est difficile de répondre quand on voit les différences considérables des systèmes et que l'on se rappelle que l'université née aux XIème-XIIème siècles dans l'Europe d'Occident est aujourd'hui réellement universelle.

On peut d'ailleurs, dans ce monde qui se rétrécit continuellement et où de plus en plus d'organisations internationales essaient d'agir au niveau universel, se demander si une institution ne devrait pas jouer le rôle que le Pape et l'Empereur remplissaient au début du Haut Moyen-Age en garantissant l'autonomie de l'université et les libertés académiques fondamentales à l'égard des autorités locales et nationales, qu'elles soient religieuses ou politiques.

On remarque déjà que les Nations Unies à l'exemple des Etats ont créé leur propre université, même s'il ne s'agit pas d'une université au sens classique, l'Université des Nations Unies (UNU), en lui assurant formellement dans sa charte de 1973 l'autonomie et les libertés académiques.

Si les Nations Unies et l'UNESCO qui collabore avec elles dans ce but mettaient à disposition de l'UNU les moyens du rôle qu'elles lui ont donné un premier pas dans ce sens serait alors franchi. Mais là aussi on constate qu'il n'y a pas d'autonomie réelle sans moyens financiers suffisants. L'exemple de l'UNU est particulièrement intéressant puisque cette université a été créée pour se saisir des "problèmes mondiaux pressants de la survie, du développement et du bien-être de l'humanité" et non d'approfondir les diverses branches du savoir pour elles-mêmes, répondant ainsi au second critère que l'auteur a donné dans sa tentative de définition de la mission de l'université qui en plus de la recherche et de la transmission de la vérité doit se consacrer au développement, à l'épanouissement et au bonheur de l'homme.

Mais peut-on aller plus loin et donner aux Nations Unies et/ou à l'UNESCO, compte tenu de leurs responsabilités mondiales, un droit de regard ou au moins le droit d'être appelées au secours par les universités ou les universitaires qui ne peuvent remplir leur rôle parce que l'autonomie universitaire ou les libertés académiques fondamentales sont violées? Il s'agit sans doute d'une utopie, car on porterait alors atteinte à l'indépendance *sacrée* des Etats et pratiquerait l'ingérence dont on a tant parlé récemmement sur le plan politique. Cependant la sauvegarde de l'autonomie universitaire et des libertés académiques essentielles dans les Etats dictatoriaux fondés sur une idéologie, mais parfois aussi dans les Etats démocratiques, est à ce prix.

Toutefois, pour éviter l'arbitraire et fonder ce droit il conviendrait alors d'adopter une charte universelle de l'autonomie universitaire et des libertés académiques fondamentales fixant les limites minimum que les Etats doivent respecter et faire respecter. On pourrait s'inspirer dans ce contexte, parmi beaucoup d'autres études, de deux documents de 1988, la Magna Charta de l'Université européenne signée à Bologne à l'occasion du neuvième centenaire de cette Université, la première d'Occident, et la déclaration adoptée à Lima, lors de la soixante-huitième assemblée générale du *World University Service*.

En définitive cependant nous devons être conscients que tout repose sur les hommes et les femmes qui ont le courage et la sagesse de se rendre compte qu'on ne doit pas admettre que l'Etat ou tout autre corps social ou individu intervienne au-delà d'une certaine limite; homme et femme qui préfèrent se faire exclure de l'université ou n'hésitent pas à démissionner en protestant, comme certains exemples récents l'ont encore prouvé, plutôt que de sanctionner de leur présence et de leur autorité personnelle ce qu'ils considèrent comme inacceptable. On ne peut que rendre hommage à ceux qui ont ce courage, tout en sachant qu'ils ne seront toujours qu'une faible minorité.

Les libertés académiques

Il n'est pas possible de séparer complètement autonomie universitaire et libertés académiques, c'est-à-dire la liberté de l'institution et la liberté de l'universitaire, si on admet que la mission de l'université est la recherche et la transmission de la vérité.

Il y a libertés académiques quand une personne qui a les qualités intellectuelles nécessaires et qui remplit les conditions légitimement requises peut d'une part, si elle le désire, devenir membre de la communauté académique sans qu'on s'occupe de son sexe, de sa race, de sa religion et de ses opinions publiques et d'autre part procéder librement et sans risque pour elle à ses activités légitimes de membre de la communauté académique, qu'il s'agisse de celles d'un professeur, d'un chercheur, d'un étudiant ou d'un membre du personnel administratif et technique.

Certes on peut et doit d'ailleurs faire une distinction dans les libertés académiques entre celles au sens étroit, qui s'exercent dans le cadre de l'activité académique elle-même - et qui se distinguent des droits de l'homme proprement dits, car il faut remplir les conditions nécessaires pour être membre de la communauté académique - et celles dont jouit l'universitaire comme tout individu dans la société, en dehors donc de l'exercice de son activité académique *stricto sensu*.

Il faut souligner aussi pour éviter tout abus que les libertés académiques ne signifient pas et ne doivent pas signifier qu'on peut ne pas remplir le devoir attaché à sa fonction, mais qu'on a le droit d'exercer son activité sans danger pour sa carrière et son statut, et celle même si l'on a des opinions critiques à l'égard des idées admises, des positions scientifiques de ses collègues, de l'établissement de la société et de l'Etat.

On ne peut oublier à ce sujet que les libertés académiques sont souvent violées par des membres de la communauté académique elle-même, il faut donc insister sur le fait que la liberté de l'un ne doit pas détruire et s'opposer à celle de l'autre.

Plus largement encore, s'il est notoire que les libertés académiques ont pu être et sont toujours souvent supprimées dans les Etats dictatoriaux fondés sur une idéologie pour des raisons de race, d'origine, de religion ou d'opinion politique, il faut reconnaître qu'elles peuvent être également bafouées dans des Etats démocratiques pour des raisons économiques notamment, mais aussi, bien que de façon plus subtile, par des pressions de l'opinion, de l'établissement, des collègues et de l'Etat.

La justification des libertés académiques repose dans la mission même de l'université: la recherche et la transmission de la vérité, mais cela en suivant une démarche scientifique. Bien entendu la question n'est pas réglée par ces simples mots.

Peut-on et doit-on, pour prendre des exemples volontairement provocateurs, permettre à un professeur "révisionniste" d'exposer son point de vue? Peut-on autoriser de même un universitaire, qui croit en l'inégalité des races, à développer ses arguments? Doit-on permettre de défendre ces théories dans le cadre d'un enseignement historique ou philosophique ou même en dehors de l'université en se fondant sur les libertés académiques?

La question reste ouverte malgré la tentation évidente et compréhensible de répondre par la négative dans des hypothèses de ce genre.

Comment en effet si on estime que la recherche de la vérité est essentielle, même si elle va contre les théories régnantes, délimiter *a priori* ce que permettent les libertés académiques et ce qu'elles interdisent au plan des idées? On ne peut oublier que ce qui a été regardé pendant des siècles comme vrai et juste s'est révélé parfois inexact et injuste de même que ce qu'on estimait hérétique et absurde a été trouvé authentique.

La ligne de démarcation entre ce qui doit être permis et ce qui doit être interdit est donc difficile à tracer, bien qu'elle doive cependant l'être, car il y a des limites à ne pas franchir. La réponse réside sans doute dans le sérieux de la démarche scientifique lié à la bonne foi et à l'éthique, mais bien sûr cette réponse ne fait que repousser le problème.

On peut d'ailleurs aussi se demander si le risque d'un dérapage, à la condition qu'il reste au niveau des idées, n'est pas le prix à payer, impossible à éviter, pour la liberté; sa contrepartie se trouvant dans ces mêmes libertés académiques qui permettent un débat ouvert et donnent à ceux qui pensent qu'il y a dérapage le droit de s'y opposer en le dénonçant.

En définitive la sagesse et la prudence ne sont elles pas de dire avec Voltaire: "Je déteste ce que vous écrivez, mais je suis prêt à mourir pour que vous puissiez continuer à l'écrire",[4] tout en essayant en même temps de démontrer l'erreur de ces propositions?

Si l'université est réelement autonome, c'est-à-dire si elle est libre de s'organiser comme elle le souhaite, il lui appartient d'assurer les libertés académiques au sein de l'institution, c'est-à-dire dans le droit à l'activité et l'exercice de cette activité de chaque universitaire, sa recherche, son enseignement, ses études, etc. Dans cette hypothèse les libertés académiques dépendent de l'autonomie que l'Etat et/ou la société garantissent à l'institution. Cependant si elle ne le fait pas il revient alors à l'Etat d'intervenir en la rappelant à l'ordre et en l'obligeant à faire son devoir.

Par contre la liberté académique "politique", c'est-à-dire qui s'exerce en dehors de l'activité au sens strict de l'universitaire, dépend directement de la garantie donnée par l'Etat, la société, à chaque individu et cela que l'université elle-même soit autonome ou ne le soit pas.

Notes

1. Dans cet exposé, le mot université, sauf sur le plan historique, recouvre toute institution d'enseignement supérieur et de recherche.
2. ... "C'est pourquoi nous promulguons pour toujours et à titre universel la loi que voici: qu'à l'avenir plus personne n'ose causer du préjudice aux étudiants, ni leur causer du tort pour une dette contractée par un tiers de la même nation. Nous avons appris que cette coutume impie a été suivie quelques fois"...
3. ... "Cependant si quelqu'un entreprenait de régler un litige avec un étudiant, qu'il le cite au gré de l'étudiant, devant son maître, ou un autre maître, ou l'évêque de la ville, auxquels nous avons conféré la juridiction dans ces cas".

4. Ces mots de Voltaire sont peut-être apocryphes; en tout cas je n'ai pas pu en vérifier l'origine.

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Academic Freedom and University Autonomy

Carl-Gustaf ANDRÉN and Ulf JOHANSSON-DAHRE

Après un aperçu historique qui retrace l'évolution de la liberté académique et de l'autonomie universitaire au long des siècles, les auteurs circonscrivent ces concepts du point de vue théorique, en passant en revue les définitions qui en sont données dans la Magna Charta et dans quelques réunions internationales récentes. Ils en viennent ainsi à se demander si la liberté de la recherche et la liberté de l'enseignement, qui constituent pour l'essentiel la liberté académique, doivent être considérées comme faisant partie des droits de l'homme. Dans cette perspective, les auteurs présentent les débats d'un séminaire sur ce thème qui a eu lieu à Lund, en mars 1992. Il en ressort que l'insistance sur cette dimension est due aux graves violations de certains droits de l'homme ayant trait à la liberté académique. Celle-ci représente une valeur inaliénable dans la vie universitaire, tout comme l'autonomie qui signifie, avant tout, indépendance, même si les établissements d'enseignement supérieur sont subventionnés par l'Etat ou par d'autres organisations.

An historical perspective

Freedom and autonomy are two key words with great importance to the life and the history of universities and academic people - freedom to think, speak, and argue, as well as to question established and conventional ideas - autonomy to take decisions concerning lectures and research as well as financing and organization, independent of central authorities including the State, local governments, and churches.

Universities have always considered the ideas of freedom and autonomy to be indispensable values and have defended them as such. Although it has not always been possible to vindicate these rights to the desired extent, their spirit has been kept alive, and demands for freedom have been actualized through discussions and deliberations.

Efforts to defend these rights and privileges were being made from the very beginning of the history of universities. When the University of Bologna began to function at the end of the 11th century, its organizational form was corporative. The teachers had distinctive privileges, in particular, the exclusive right to examine students and to determine if a teacher should be accepted as a new member of the teaching staff. The students, who were organized in student "nations", chose the rector. As the students paid for their studies, the teachers were economically dependent on them.

These rights and freedoms as defined by the teachers and the students gave the University of Bologna its own constitution as a protection against both the Emperor and the Pope. In the middle of the 12th century, Emperor Frederick Barbarossa granted the university unrestricted freedom of study, and the city of Bologna also awarded it extensive privileges.

Similar principles of freedom and autonomy evolved in the University of Paris as of the end of the 12th century. The privileges of the teachers included the right to produce their own lectures as they saw fit and to elaborate training exercises for students who were required to defend their theses in public disputations. The *licentia docendi*, the right to lecture, was issued by the university chancellor, a tradition observed in Sweden through the middle of the 1960's. The students also had some privileges such as personal immunity and reasonable rents for their rooms. Both teachers and students had their own organizations, which were accepted by the authorities; however, serious conflicts often occurred between the students and the local townspeople. Although Bologna and Paris developed two different organizational traditions, both institutions were involved in the struggle for supremacy between the Emperor and the Pope, and both took advantage of this struggle to vindicate their independence and their demands for freedom and autonomy in education and science. This attitude was of great importance for the future development of universities.

The constitutions and letters of privilege of new universities always included regulations concerning freedom and privileges for both faculty members and students. These constitutions transformed universities into exclusive associations, within society at large, having their own laws and, in many cases, their own economies guaranteed by major donations, including donations made at the onset by State or Church. The constitutions also dealt with such questions as the duties of teachers, their freedom and responsibility with regard to their lectures, and the curricula which the students were to follow. They regulated the democratic collegial organization of universities, stipulating that they must not be influenced by any outside parties. They also contained regulations concerning student life. It set a clear borderline between the university and the surrounding society, between academic people and the burgers of the town.

For centuries, the constitutions of new universities were linked to the prototypes developed by Bologna and Paris. Intellectual freedom as well as freedom of thought, expression, and association, were fundamental freedoms even if they were sometimes not respected. They were looked upon as essential rights for university corporations in the same way as, for instance, trade guilds had guaranteed rights. Nevertheless, academic freedom was, in many cases, limited and was never defined as anything similar to today's definition of human rights. Yet the historical development of universities proves that academic freedom has always been discussed and defended against authorities and individuals who have tried to reduce and to ignore it. For this reason, therefore, any discussion of the future possibilities and development of academic freedom must bear this historical perspective in mind.

Question of definition

All the documents dealing with academic freedom and university autonomy attempt to accurately define the real content of freedom and autonomy.

The Lima Declaration of September 1988 defines certain conceptions. It refers to academic freedom as "the freedom of members of the academic community", meaning teachers, students, and researchers, to pursue, develop, and transmit knowledge "through research, study, discussion, documentation, production, creation, teaching, lecturing, and writing". The authors of this detailed enumeration have attempted to bring together all the scientific and educational activities pertaining to university work. Autonomy is very closely related to freedom defined as "the independence of institutions of higher education from the state and other forces of society".

The Magna Charta of European Universities, also proclaimed in September 1988, particularly emphasizes that "the university is an autonomous institution at the heart of societies... it produces, examines, appraises, and hands down culture by research and teaching". The same document also declares that "freedom in research and training is the fundamental principle of university life". As the world around the university has its special needs, the university is properly responsible for meeting these needs. Therefore, "its research and teaching must be morally and intellectually independent of all political authority and economic power".

In April 1990, the Dar Es Salaam Declaration on Academic Freedom and Social Responsibility of Academics was adopted by six staff associations of institutions of higher education in Tanzania. This document also presents a definition of academic freedom according to which "all members of the academic community have the right to fulfil their functions of teaching, research, writing, learning, exchanging and disseminating information, and providing services without fear of interference or repression from the state or any other public authority".

In different ways and through more-or-less detailed descriptions, these three documents try to describe the content of academic freedom, which can be summarized in four points:

1. Academic freedom *belongs to members of the academic community/society*, that is, to researchers, teachers, and students; also, in some cases, to university administrators;
2. In short, academic freedom can be defined as *freedom of thought and expression*, that is, the researcher has a right to choose his research topic and method, to search for the truth without restriction, and to publish the results independently of the will of all kinds of public authorities; teachers have the right to plan and to organize teaching programmes within given frameworks and to lecture on topics which they consider to be essential;
3. *A prerequisite of academic freedom is university autonomy*, that is, independence from political authority and economic power, even if financing is guaranteed by the State or other public or private organizations.
4. Academic freedom is *always linked to responsibility*. The individual researcher and teacher is responsible to the academic and scientific community which compares and evaluates methods and results, thus serving as a correcting factor within university life and work.

These four points, linked as they are to research and teaching, are central to academic freedom. From the very beginning, the discussions about academic freedom and rights have originated in the free development of research and teaching and the importance of both for development and change in society. Freedom of research and academic freedom are viewed as guarantees for the future development not only of society but also of the individual and the development of his or her personality.

The current situation

The mass university of today has given rise to a new situation. A large portion of every age group is educated in universities and in other types of higher education institutions. Because the state financing of higher education has increased tremendously, the research undertaken in universities and the pedagogical role of universities as well have become increasingly dependent on political and economic decisions taken by governments, parliaments, and public and private authorities. This development has, of course, influenced conceptions of freedom and autonomy.

During the last decades, a new situation has arisen. The amounts of funding given to universities by many governments have created a situation whereby they have had to play close attention to the work done by universities. They want to know how the money is spent, what the results of teaching are, that is, whether or not students are really well-educated when they graduate, and the results of research, that is, whether or not they can be put to good use by society and whether or not their quality stands up to international comparison.

Even if the State clearly declares that it will never attempt to directly influence the work of universities, one can easily observe that the work may be influenced indirectly. A cut in funding means that some activities will be given priority while others may be reduced or discontinued. In some cases, the State, through its specialized authorities, may designate special funding for specific research projects of special interest to it. What happens to university autonomy in such cases?

The freedom to do research and to teach stands out as the most fundamental of academic freedoms which for centuries was counted as inalienable in university life and work. Does this freedom, therefore, have such general validity that it should be classified as a human right?

The above question was raised and recently discussed in March 1992, at a seminar on Academic Freedom, held in Lund, Sweden, organized by the Raoul Wallenberg Institute of Human Rights and Humanitarian Law. It was co-sponsored by UNESCO, the Standing Conference of Rectors, Presidents, and Vice-Chancellors of the European Universities (CRE), and the World University Service (WUS).

What follows is a short description of the three days of intensive discussions, which took place during this conference, focussed on the principal problem evoked and the results achieved.

The Lund Seminar on academic freedom

The Seminar focussed on four issues related to academic freedom: i) the concept of academic freedom; ii) the content of academic freedom; iii) whether or not academic freedom should be recognized as a human right; and iv) the beneficiaries of academic freedom.

The principal vehicles of academic freedom were considered to be research, teaching, dissemination, and freedom of expression. Agreement was reached that research and teaching are so strongly linked that from an academic point of view they cannot be separated.

However, much of the discussion centered on the possibility of organizing an international and intergovernmental human rights standard-setting exercise on the subject. Lengthy discussions took place on which method would be most effective for the protection of this freedom. Mention was made, on one hand, of the fact that further standard-setting in the field of human rights was not the only way to achieve the stated goal, that there were a number of alternatives. Among them, for instance, were new procedures and a more efficient diffusion of information. These alternatives were considered to be more in line with the established objectives of the World Conference on Human Rights to be held in 1993.

Further standard-setting in the context of human rights would need a strong justification as in the case of children, women, disabled persons, minorities, and indigenous peoples. Agreement was reached that this justification was apparent in recent publications. Detailed case studies and examples were cited from such publications as those of the World University Service and Africa Watch 1991, indicating that academics in a number of countries are frequent victims of human rights violations which need to be addressed by the human rights community. These reports also show that the academic community is often the object of interference.

Other aspects of academic freedom were considered. The question of academic freedom in academic institutions of lower than higher education level was raised as was the link between research and teaching in higher education institutions. A limited discussion on the exact meaning of the concept of higher education took place. The question of whether or not police and military academies should be considered higher education institutions for purposes of academic freedom was debated. Agreement was reached that these academies are, in fact, higher education institutions but that they could only qualify for inclusion in the same category as universities if they were engaged in research. This argument was widely acknowledged in the seminar.

Another element considered with regard to the concept of academic freedom concerned the question of who the beneficiaries are and whether or not academic freedom is individual or collective. A clear majority agreed that academic freedom should be restricted to certain persons within the academic community, preferably researchers and teachers. Other actors within this sector, students and administrators, should have more limited access to academic freedom. The participants considered that the autonomy of university was a precondition for the exercise of academic freedom at the individual level.

The second day of the Seminar continued with a discussion of the subject, *The Duty to Educate*. The debates were particularly centered on the meaning of **duty**. To whom is this duty directed? The group acknowledged that academics have a moral duty to educate and to disseminate the results of research. This duty can in fact be considered an obligation, but if it were such it would arise from a contractual relationship established between the individual academic and the institution employing him and would not be a part of academic freedom as such.

Responsibility was also viewed as being closely linked to the concept of rights and freedoms. Education requires responsible expression and behaviour. Even if political activities in the academic community should be restricted, political opinions should only be restricted if they are obviously irrelevant to given situations or subjects. In the natural sciences and in technology, it is easier to restrict a political approach than in political science. On the other hand, as higher education not only **develops** knowledge but **transfers** it, unlike at the primary and secondary levels, political opinions may not be a serious obstacle to research objectivity at this level. The discussion also brought forth the opinion that the individual academic reflects personal responsibility according to his behaviour and means of expression.

The Seminar then continued with a discussion focussed on relevant provisions that already exist with regard to academic freedom. The human rights instruments which have been adopted since the Second World War have no provisions which explicitly mention academic freedom. However, this fact does not preclude there being a number of provisions that might be of importance to academic freedom. The latter, indeed, can be divided into certain categories: certain rules prescribe certain freedoms or provide certain guarantees to the individual, whether or not he or she is an academic. Another category is preventive in that it forbids individuals from violating the human rights of other individuals.

Perhaps the most important existing provision of human rights which is related to academic freedom is the right to freedom of expression. This right is prescribed in the United Nations Covenant on Civil and Political Rights (art. 19:2). The right to freedom of expression includes the right to seek, to receive, and to impart information, both in written and in oral form. However, this right is not unlimited. The same Covenant also mentions permissible limitations intended to protect the necessary respect for the rights and reputations of others and of public order, public health, and morals. Other provisions related to academic freedom can be found in the UN Covenant on Economic, Social, and Cultural Rights, particularly art. 15:1. The article in question is a copyright clause which expresses a human right. It cannot be interpreted as conferring an obligation to reveal scientific secrets, but it guarantees the rights of authors to benefit from their literary and scientific achievements. The UNESCO Convention on Discrimination in Education may in some areas be linked to academic freedom, for instance, via art. 2(c).

The question which arose in the context of academic freedom was whether or not a need exists for the development and the codification of academic freedom in a separate international instrument if it could be established that existing provisions do not provide sufficient protection. An instrument must be legally binding, not just declaratory. A mere prohibition is not sufficient. There would also need to be strong machinery available for implementation as well as for the monitoring of violations. The participants agreed that further analysis and deliberations, to find a common ground, are possible and should be undertaken in a working group.

The last day of the Seminar focussed on the limitations of academic freedom. The view developed was that any freedom has its limits and that the beneficiaries have special responsibilities. An argument expressed is that academic freedom is not feasible without some limitations.

As academic freedom is significantly relevant to the needs of society as a whole, society can decide what kind of academic activities, within what limits, the individual academic should be financially remunerated for undertaking. An argument made is that although financial reality certainly limits academic freedom, it cannot be permitted, as such, to interfere with academic freedom. For example, in Sweden the Research Councils can decide whether or not a project has relevance for the development of society and therefore whether or not it should be funded.

Three main areas in which the juridical limitation of academic freedom exists were identified: (i) questions of human rights, (ii) risks to the environment and to life as such, and (iii) prohibited weapons and uses of force. The point was made, however, that danger arises in listing any kinds of limitations to academic freedom, it being risky to elaborate limits. The suggestion was made that in principle it is preferable to consider that responsibility is a part of academic freedom.

A distinction needs to be made between fundamental research and elaborated research. A suggestion was made that fundamental research should not be limited because it is the most important factor with regard to the development of knowledge as such. Therefore, it is very difficult to apply limitations to it. Limitations, however, should apply to more elaborated research. With regard to limitations per se, the point was made that a certain guarantee, a type of self-limitation, resides in the individual researcher. Even if economic reality is recognized as the ultimate limit to academic freedom, the argument was made that, as a matter of principle, academic freedom should not be expressly limited.

No resolutions or recommendations were adopted during the Lund Seminar, but the question of the future development of academic freedom was discussed. The Seminar was considered to be the first in a series meetings which would lead to the UNESCO Conference on Human Rights, Education, and Democracy to be held in February or March 1993 in Montreal and subsequently to the World Conference on Human Rights, also to be held in 1993. Another meeting which will address academic freedom, to be held prior to the UNESCO Conference, is an experts meeting at the Human Rights Centre in Poznan, Poland, tentatively scheduled for November 1992.

Conclusion

An important question which was raised in this discussion is why academic freedom is being proposed as a human right. In historical terms, it is possible to recognize that.when a rights issue is raised, the reason for doing so is not simply a question of the evolution of the history of ideas. The idea of a right or a freedom arises when a situation is faced in which violations of rights are occurring. This type of situation has come into being in recent years with regard to the issue of academic freedom. The question is not simply one of developing new rights and freedoms but one of identifying new areas to be protected.

Possibly the reason that the rights and freedoms of academics are being increasingly scrutinized is that there have been serious violations, in recent years, of certain individual human rights related to questions of academic freedom. Consequently, individuals within the academic community, whatever their specific definition or category, have reacted against such violations by demanding the right to academic freedom.

Currently, the further development of the concept of academic freedom is a political problem, political demands often being channeled into social movements. However, if the reaction of scholars to these problems and movements is to try to identify and to codify them on the grounds that there must be something which is specifically designated as academic freedom, they have probably chosen the wrong path. They will end up confronting a reaction to contradictions that emerge in society itself. A better path to follow would be for academics to recognize that they are in fact reacting to situations in which violations - sometimes very serious violations - of human rights occur, that they are related to the concept of academic freedom, and that they are identified as such by the victims of these violations themselves. At the same time, other social groups that are victims of human rights violations such as ethnic, religious, and linguistic minorities, indigenous peoples, and children or disabled persons, are also claiming special rights and protection. If, as has been emphasized, these groups have a justification for their claims, academics too are similarly justified in pressing their claims for academic freedom.

What is really being referred to here is a human value. Academics and members of society at large attach a certain moral value to the concept of academic freedom which they identify with something fundamental to daily academic routines - the inherent freedom and independence from external interferences and the personal worth of the individual academic. A positive value is attached to subjects or objects which are identified as rights or freedoms. Certainly, academic freedom appears to be one of them.

What was clear at the end of this conference is that academic freedom exists as a clear moral value, the object of a certain degree of protection. The question which remains to be answered is whether or not academic freedom should be codified in a separate international instrument so as to guarantee more effective implementation.

Without doubt, academic freedom must be looked upon as an inalienable value in the intellectual composition of universities, if they are to be expected in the future to fulfil their tasks with regard to research and education in ways compatible with democracy and internationalism. University autonomy must imply independence, even if most of the actual financing is guaranteed by the State or by other organizations. The concept of autonomy must also be respected with regard to the units making up the universities.

It is of great importance that as academics plan for the future, they always be aware of the content and meaning of academic freedom and university autonomy, for the future arrives rapidly, and the present is the future of the past.

Academic Freedom and University Autonomy

Virgiliu Niculae CONSTANTINESCU

Les établissements universitaires des pays de l'Europe de l'Est ont vécu des changements dramatiques - et l'on ne voit pas encore le bout du tunnel, confrontés qu'ils le sont au devoir de combler un vide qui s'étend de 1947 à nos jours. Il faut changer les mentalités tout en étant confrontés à l'insuffisance des moyens matériels. Cela étant, il faut décider quelle sera la part de la recherche fondamentale et appliquée dans un univers où professeurs et étudiants ont regagné leur droit à la mobilité académique. On risque de s'embourber dans une situation où, quand les fonds seront enfin là, il n'y aura plus de chercheurs pour en tirer parti, car toute une génération aura disparu. La démocratie et la liberté d'accès n'excluent point un rapport raisonnable entre nombre d'étudiants et marché du travail. Les bourses post-doctorales, l'échange de professeurs et l'aide matérielle à la recherche sont les meilleurs moyens de soutenir les universités de l'Est-européen.

Introduction

The last two years (1990, 1991) in Romania have represented transition years, characterized by a strong irreversible momentum towards freedom and democracy, a more or less complete break with the communist past, i.e. with 45 years of distorsions, stagnation, and isolation. In certain respects, the clocks of most of the universities in eastern and central Europe stopped abruptly somewhere around 1947. They were rewound at the end of 1989. Now the main problem is how to *jump* from 1947 to 1992.

Past and current problems

Universities in this part of Europe face many problems, some peculiar to the region, others common to the continent. Let me list some of them in a random manner: how to regain and/or to reinforce freedom and autonomy, how to reassess the inner and the external (social) roles of the university with regard to society; how to make the best of our present position, that of a new beginning, of an emergence with only a slight advantage due to the fact that during half a century, tradition made an important contribution to survival and that as a corollary, the ideal of the

Humboldtian university was better or more vividly preserved than elsewhere; how to build the future with the human resources available; how to change mentalities; how to assess the potential of universities; how to encourage personal initiative and entrepreneurship; and how to cope with many problems induced by a society moving towards a market-oriented economy but passing first through a rather long period of mercantilism.

Here it is appropriate to ask whether or not mercantilism should be allowed to infiltrate university campuses. Should the political struggle going on in society be permitted to penetrate universities to such a degree as to influence academic development? How should universities, precisely by utilizing their perennial right to freedom and autonomy, increase their proactive capacities rather than changing under the impact of events (as during the last 50 years)? Universities must be able to take the lead in influencing the course of events in favour of a world of liberty, democracy, justice, and well-being. How might universities play an efficient role in easing tensions of a racial, ethnic, or religious nature and in reducing or eliminating all sorts of extremism? Academic life should constitute an example of democracy; but how can we define it and what are the roles to be played by the two main components of universities: faculty members and students? Last but not least, how do universities in central and eastern Europe cope with the lack of adequate funding, with the extremely poor technological level of laboratories? Should we as a consequence concentrate our efforts on the production of theory-oriented graduates or should we limit ourself to the present and near future needs of our societies?

Let us take research as an example. As pointed out by myself and by many other university people from central and eastern Europe in a NATO Science Committee meeting in Brussels, last February, research in our countries is undergoing a profound crisis with the real danger that a whole generation of scientists will disappear, will be sacrificed. Indeed, governments in the central and eastern European countries cannot afford to spend a great deal of money on research. On the other hand public and private companies and institutions, which are currently having serious financial difficulties, are also unable to support research.

Perhaps (and hopefully) in a few years the central and eastern European societies will once again begin to develop economically. At that point they will need to undertake both fundamental and applied (or technologically oriented) research. But by that time, the chances are that the existing human potential and expertise will no longer be there. It will have vanished through both internal and external brain-drain. The latter situation not only involves the movement of scientists westward, but also southward representing, so far as fields related to armaments are concerned, a danger for world peace.

Converging trends

The primary impact of the questions listed above is directed at the universities of the countries of central and eastern Europe as well as to any university in a country moving (or wishing to move) towards democracy and freedom. But almost every question has a core of basic interest for any university worthy of its name. This peculiarity has been clearly emphasized by a number of recent transatlantic dialogues which were organized by the American Council on Education (ACE), the Standing Conference of Rectors, Presidents, and Vice-Chancellors of the European Universities (CRE), and NATO, but particularly through the Higher Education Research Programme sponsored by the Pew Charitable Trusts of the University of Pennsylvania, USA. All these dialogues aimed at pointing out the convergent trends among at least three sets of systems of higher education: the American systems, the west European systems, and the systems of eastern and central Europe.

Let me briefly summarize certain questions of general interest, namely the dilemma presented by the research university (or simply the university) versus democratization and increased access and diversification versus the question of mutual responsibilities of faculty members and institutions.

The university as a practical ideal remains well understood, meaning that its defining characteristic is a commitment to research; to faculty governance that bestows legitimacy as well as authority on the university as a whole; to an internal organization based on the disciplinary nature of knowledge; to instructional programmes that are under the direct supervision of research-trained faculty; and to degree programmes designed not only for secondary school graduates but also for adult education. A university reflecting such a concept might be forced to limit enrollment, largely because imparting both knowledge and know-how might be too expensive an undertaking, and to practice selective admissions based on academic merit and promise in order to retain control of its own resources.

In opposition, democratization and increased access as well as the promise of diversification imply, among other things, that while competition among institutions within the same sector is as healthy as it is inevitable, unregulated competition across sectors wastes resources, muddles institutional missions, and reduces public support for universities. The demands of democratization and increased access along with the increased use of market mechanisms to allocate funds for instruction and research are turning universities into academic holding companies. At least in some countries, the increased access to higher education has resulted not only in a more diversified system of post-secondary education but in an increasingly muddled mix of institutions, each claiming or aspiring to university status.

For universities, in particular, this situation means that the costs of providing new programmes and services are increasing more rapidly than the revenues and/or allocations that accompany increased access. Research-oriented faculty members are giving way to staff members with other types of credentials who are taking on principal responsibility for teaching the new students in the programmes on which increased access depends. Thus, increased focus is being given to local conditions and circumstances at the expense of those research programmes that, historically, made universities centres of international scholarship.

What seems to be required is an explicit division of labour that makes each sector responsible for its own survival and for the training of its key personnel; that assigns responsibility to universities as the principal provider of sponsored research, and to other sectors of higher education, the role of principal provider of economic and social assistance.

The net result should be an explicit set of alliances which applies multiple standards of excellence to all of higher education and minimizes differences in the living standards of faculty members across sectors.

Mutual responsibilities

The basic questions of the mutual responsibilities of faculties and institutions imply that:

A university community without an explicit set of rules - a social compact defining obligations and responsibilities as well as privileges and rights - is no community at all. In particular, the university requires an explicit redefinition of the social compact that links individual faculty members to the institutions which they are responsible for governing - a social compact which defines faculty effort in terms of both research and instructional productivity; limits outside activities, thus reducing the centrifugal force of faculty entrepreneurship; establishes rules for the reaching and the enforcement of collective decisions; vests in its administrative leaders the constitutional authority to manage functions for which they are responsible; and emphasizes allegiance to the university, to a sense of quality, and to quality assessment.

There needs to be a similarly explicit reaffirmation of the political compact which links the university to the public it serves - a compact that affirms that although the university is part of the world, it is not wholly of it - that it is a place apart. Such a compact would hold the university to a higher moral standard than other institutions, including a demonstrated commitment to *plain living*, to proving that tolerance works, and to ensuring that neither the university nor society become too comfortable with established orthodoxies. It would hold the university to a course of behaviour deserving sufficient financial support for the generation

of knowledge, including sufficient administrative funds to cover the extra costs associated with collegial governance.

Universities across the East-West divide also have a special set of obligations to one another. They must forge an institutional compact among equals that guarantees the preservation of a truly international community of scholars. The end of the cold war and of communism brought into sharp relief the interdependence of universities on both sides of the former iron curtain (now more a silver one), on interdependence that now requires universities in the west to offer substantial aid to their counterparts in central and eastern Europe, based on the understanding that western universities cannot solve their faculty shortages (if any) at the expense of the eastern and central European universities. Western universities, however, can provide the most effective assistance to their eastern and central European counterparts in the form of postdoctoral or doctoral fellowships for junior faculty and visiting professorships for senior faculty.

Le cas de l'Institut Politechnique de Bucarest

Afin de mieux présenter cette dernière idée, notamment celle de la solidarité universitaire et de la collaboration entre les universitaires et les universités, nous donnons quelques exemples tirés de l'expérience de l'Institut Polytechnique de Bucarest, université qui, avec ses quelque 30,000 étudiants et 1800 enseignants représente à peu près le sixième de la population académique roumaine.

En 1990, immédiatement après la révolution roumaine du décembre 1989, nous avons été confrontés avec un grand nombre de problèmes et de priorités: corriger les distorsions du passé, réviser les programmes d'enseignement mais surtout sortir d'un affreux isolement et ouvrir notre université vers l'Europe et le monde. A cette fin, dès l'année 1990, nous avons eu l'idée d'organiser un Département des Sciences de l'Ingénieur (en génie électrique, mécanique, civile, et chimique) au sein duquel toutes les activités seraient faites dans une langue de circulation internationale - l'anglais en l'occurrence. Nous avons commencé avec 112 étudiants. En 1991, nous avons organisé deux autres filiales: une en langue française, avec le généreux appui du gouvernement français et de cinq universités françaises, et une en langue allemande, résultat d'une longue et fructueuse coopération avec l'Université Technique de Darmstadt.

Ce Département a, parmi d'autres buts, celui de rompre la barrière de langue et de permettre ainsi dans l'avenir l'accès des étudiants de différents pays, de représenter une prolongation, une émanation de toutes les autres onze facultés de l'Institut, de devenir (avec quelque 1500 étudiants dans trois à quatre ans) un autre centre d'excellence de l'Institut Polytechnique de Bucarest et, enfin, de permettre dans l'avenir de déclarer l'Institut Polytechnique de Bucarest une université multilingue.

L'idée est que le diplômé d'une université européenne, surtout technique, doit être en état de professer dans au moins deux langues: sa langue maternelle et une de circulation internationale et/ou la langue d'un pays destiné à constituer un marché pour son pays d'origine.

En revenant à la question de collaboration internationale, nous pouvons déclarer qu'après deux années d'efforts nous avons la satisfaction de pouvoir mentionner un très grand nombre de liens de collaboration à grande échelle avec plus de 100 universités éparpillées à travers toute la planète, surtout en Europe et en Amérique. Bien qu'il soit extrêmement difficile d'évaluer quantitativement, en argent, les résultats de ces projets, une évaluation tout à fait approximative nous conduirait à un montant de quelque 5 millions de dollars des Etats-Unis en équipements et en subventions, surtout pour la mobilité.

Quelques exemples: une aide, en 1990, du Ministère de la recherche de France à travers l'Agence française pour la maîtrise de l'énergie, évaluée à environ 11 millions de francs français, une étroite collaboration avec l'Ecole des Mines, un mini-réseau d'ordinateurs y compris les logiciels nécessaires au fonctionnement, une *junior entreprise* d'étudiants roumains; et un poste de radio et un poste de télévision qui retransmettent les émissions de la RF-I et de la TV-5 Europe. Nous sommes en train de réaliser, avec l'aide généreuse de l'Allemagne par l'intermédiaire de l'Université Technique de Darmstadt, un réseau local en fibre optique pour le campus; onze projets TEMPUS approuvés en 1991 et l'espoir d'en ajouter à ce chiffre au cours de cette année. Un projet très prommetteur qui se poursuit avec de très bons résultats avec deux universités américaines de l'Etat de Washington (1.200.000 dollars des Etats-Unis), subventionné par la USAID. Un autre projet est celui de constituer une Fondation avec l'aide du gouvernement anglais (800.000 livres sterling) par l'intermédiaire de Hatfield Polytechnique.

Il faudrait ajouter, pour en terminer, la gratitude de l'Institut Polytechnique de Bucarest envers UNESCO qui a appouvé la constitution d'une Chaire UNESCO, une des seules en Europe, auprès du Département des Sciences de l'Ingénieur.

La solidarité et la liberté

En dépit de nombreuses difficultés, les universités savent et sentent qu'il existe, depuis le Moyen Age, une solidarité réelle et profonde entre universitaires et universités. Cette solidarité est engendrée par des racines profondes, qui ont à la base la mission sacrée des universités d'être les dépositaires des connaissances et de la culture et en même temps les institutions qui les transmettent aux jeunes générations, tout en contribuant au développement des connaissances et de la culture humaine. Cette mission nécessite fermement et profondément la liberté académique et l'autonomie universitaire.

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Freedom, however, does not become a reality simply through a declaration. Seizing freedom implies struggle, struggle against a certain heritage and against a certain mentality. The goals of freedom are achieved more easily and more rapidly if more people participate in the struggle for these goals - more slowly and later - if fewer people are involved.

Let the spirit of Magna Charta of Bologna be with academics in achieving these noble goals.

Academic Freedom and University Autonomy: Essentials and Limitations

Ruud A. de MOOR

Si la liberté académique et l'autonomie universitaire sont essentielles pour le progrès de la connaissance, il n'en est pas moins vrai que nombre d'enseignants et de chercheurs s'en prévalent pour couvrir certains privilèges. La communauté académique ne doit jamais se refuser à un contrôle portant sur la qualité de l'enseignement et sur les coordonnées éthiques des activités déployées, à cette condition près qu'il soit effectué par des personnes compétentes. Si dans les sociétés totalitaires il y a lieu de craindre les ingérences de l'Etat, dans les sociétés démocratiques les dangers proviennent plutôt des conflits d'intérêts et des ambitions personnelles des membres de la communauté académique elle-même. Tout en étant parfaitement libres de définir le contenu des cursus, les universités doivent tenir compte de certaines coordonnées fondamentales définies par les gouvernements en place dès qu'il s'agit de domaines tels que la santé ou l'enseignement, qui relèvent de leur compétence.

Introduction

Academic freedom and university autonomy are essential to the advancement of knowledge. However, one observes in academic life that these concepts are often used to defend privileges which are not beneficial to the well-functioning of universities, either with regard to teaching or to research.

The aim of this article, therefore, is to present the essence of these concepts and their limitations.

Academic freedom

Is academic freedom simply an application of the basic human right to freedom of thought, to freedom of opinion, and to freedom of expression, or is it something more?

In fact, it is something different. Freedom of expression is subject to limitations from which an academic needs to be exempted. An employee of a government bureaucracy knows that he is not allowed to express his opinions freely on issues of government policy. A researcher in an industrial laboratory has to agree not to publish research findings freely. Why, then, is an academic, a teacher, or a researcher permitted to express and describe freely what he has discovered? The reason is that his task is to advance and to transmit scientific knowledge.

Academic freedom, therefore, is no privilege. It not only finds its justification but also its limitations in its functional significance with regard to the expansion of knowledge which demands that the processes of objective truth seeking not be corrupted by ideologies and interests. For such expansion cannot be fostered by hampering creative minds in their attempts to follow the paths of discovery which they consider most promising.

At the same time, however, this definition does not imply that the advancement of knowledge, and therefore of academic freedom, requires that an academic should be completely free as to his choice of subjects to teach and research to undertake. Although one might argue that the question of choice belongs to the domain of academic freedom, it in fact is situated in the border zone between academic freedom and institutional autonomy.

Academic freedom is typically an individual right to which an academic may appeal, even against the authorities of his own institution and against his colleagues.

The activities covered by the principle of academic freedom are defined in the following terms. In the pursuit of knowledge, academics may not be hindered from pursuing the approach which they think is most fruitful with regard to scientific discovery. They must be fully free to communicate what they consider to be scientifically valid insights.

But academic freedom also has its limitations. First of all, as a principle it is neither a licence for incompetence nor protection from quality control. However, there must be guarantees that competence will be judged by competent people and that the resulting judgments will be immune to interests and ideologies.

A second limitation is to be found in ethical considerations. Not every approach to scientific work is ethically acceptable: some experiments with human beings, for instance, may be forbidden. In applied science, the purposes of specific scientific interventions may be ethically unacceptable. In such cases, such limitations will be specified in legislation to which academics, like all other citizens, must conform.

If academic freedom, however, is really a part of the culture of a society, the focus will not be on its limitations, but on the underlying principle. A university must have a liberal, tolerant climate in which people feel free to express their opinions, even if individual statements cannot be said to be strictly scientific. In many societies, academic freedom has this broader meaning which makes universities places of critical, innovative, thinking, not only in specific fields and disciplines, but also in social, cultural, and political areas.

The so-called Lima Declaration on Academic Freedom and University Autonomy, proclaimed in 1988 by the sixty-eighth General Assembly of the World University Service, gives academic freedom a broader meaning than what is stated above. It is defined as follows:

> (a) ...the freedom of members of the academic community, individually or collectively, [to pursue the] development, and transmission of knowledge, through research, study, discussion, documentation, production, creation, teaching, lecturing, and writing;
>
> b. [The] academic community covers all those persons teaching, studying, [doing] research and working at an institution of higher education.

According to this definition, academic freedom is not only an essential precondition for the fulfillment of teaching and research functions, but also for the undertaking of the administrative and service functions with which universities and other institutions of higher education are entrusted.

The Lima Declaration goes even further in declaring the following:

> All States and institutions of higher education shall guarantee a system of stable and secure employment for teachers and researchers. No member of the academic community shall be dismissed without a fair hearing before a democratically elected body of the academic community.

A broadening of the concept of academic community as in the above statements, however, undermines the specificity of the concept by detaching it from the particular question of the advancement and the transmission of knowledge. Although secure employment may make academics feel freer to communicate even very critical ideas, one goes too far if one links academic freedom to employment rights which might be considered exceptional in the conditions of a given society.

Tenure certainly affords an important protection for academic freedom, but stable and secure employment implies more than simple protection. Indeed, nothing justifies depriving university administrations of their normal competences in the area of personnel policy.

The Lima Declaration was drafted because its signatories felt that academic freedom was threatened and frequently violated even in democratic societies. Obviously such violations are more likely to occur systematically under dictatorial regimes than in really democratic countries ruled by law. It might therefore be useful to provide backing for the protection of academic freedom by means of international treaties even if the countries concerned will not be any more willing to observe such provisions than they are in the case of traditional human rights.

Violations of academic freedom

In evoking the problem of the violation of academic freedom in democratic countries, the Preface of the Lima Declaration refers to academic contracts which are drafted in such a way that they lead to restrictions on academic freedom and university autonomy. One risk arising from such contracts is that they might permit governments, without explanation, to withold funds for researchers or for research projects because they dislike the anticipated conclusions. The question, however, is whether or not such a procedure would be a violation of academic freedom.

Appointment and promotion policies can be used as subtle mechanisms of control without overtly restricting academic freedom. As people in power bearing responsibility outside education and research may be tempted to prevent the dispersal of the results of critical thinking which might not be in line with their interests, appointments and promotions should remain the prerogative of the universities themselves.

An objection which might be raised is that any authority which the State might have to appoint professors is a matter of quality control. One can legitimately ask, however, whether state officials and ministers of education and science really have the necessary expertise to make such decisions. In any case, however, more effective approaches to quality control exist which are preferable from the point of view of academic freedom.

When discussing violations of academic freedom, the State is almost always singled out as the principal villain. Although this attitude may be correct with regard to countries with totalitarian and dictatorial regimes, it is necessary to recognize that violations may occur within the academic community itself, even in democratic societies. Particularly in times of strong ideological controversy, academics may resist or promote appointments on ideological grounds. Although students are more inclined to behave in this manner than teachers, they too are not without fault in this respect.

Very often the problem in these cases is that ideological motivations are denied. The argument used is one of incompetence or of scientifically unfounded approaches. To give an example of the last argument, a Dutch professor of criminology who was doing research on what biological factors might be conducive to criminality was told that his work was based on an unscientific approach because it was already "clear" to every expert that criminality was only the result of social factors. As this professor's own university made his research impossible to pursue he finally resigned.

There is little room, in a country like the Netherlands, for the State to act contrary to the values of academic freedom. Violations, when they occur, are mostly the work of members of the academic community itself.

University autonomy

The Preface of the Lima Declaration states that autonomy, which is the institutional form of academic freedom, is a necessary precondition for higher education institutions to be able to fulfil their proper functions. Indeed, if a society holds the view that academic freedom contributes to the quality and the proper functioning of universities, then it must permit them a certain degree of autonomy to protect them from undue pressures from the outside.

A second argument in favour of autonomy is the following. Like a hospital, a university is a professional organization. Characteristic of such an organization is the fact that its principal functions, in this case teaching and research, are the tasks of highly trained professionals who are the best experts to decide what ought to be taught, what research is most promising, and how both should be undertaken. Thus, the principal influence on these primary functions comes from the professionals, whatever the formal decision making structure may be.

If a society wants teaching and research functions to be undertaken properly, then it acts wisely in leaving the decisions regarding these activities to the university professionals themselves.

The first argument in favour of autonomy, as stated above, is typically applicable to universities; the second one is valid for all professional organizations. In the latter case, the question of autonomy arises particularly when a given organization is dependent on the State, a church, or a business organization.

Although these two arguments are in general a plea for autonomy with regard to teaching and research, they specifically refer to autonomy in the appointment and promotion of academic staff members. Some leaway on spending might even be necessary to be able to have decisions on teaching and research approved.

Finally, a third argument in favour of autonomy is that it leads to effectiveness and efficiency. This argument is increasingly accepted for the whole state sector of which universities in continental Europe are, at least materially, a part. This third argument, which goes beyond questions of teaching and research, justifies a large expansion of university autonomy.

No country in the world has a government which does not retain some control over its universities. In continental Europe, in particular, the various governments are responsible for the total higher education effort in their countries, including the ways in which universities serve society, not simply for the provision of resources. Universities are public services. The question, therefore, is not whether governments should have some control over universities, but rather, how much control and where it should be exercised.

Large differences among European countries exist in the way these questions are answered due to differences in political systems, political culture, and long-standing traditions. As universities function as parts of wider social and cultural systems, it is unlikely that state-university relations will ever become uniform throughout Europe. It would probably be undesirable for this ever to be the case.

As stated above, academic freedom is an individual right. Autonomy is above all an institutional right which is shared between the institution as a whole and its constituent units.

Where should the borders between autonomy and state intervention best be located? This question will be explored below with regard to teaching and research, personnel policy, and financial policy. Further on, the autonomy of faculties and departments and that of the individual teachers and researchers will also be elicited. The point of view, in all cases, is pragmatic, starting from the question of how the university can best be enabled to undertake its functions.

The core of university autonomy lies in the domains of teaching and research. It may touch upon academic freedom, because very detailed prescriptions with regard to curricula and research projects may hinder the efforts of academics to follow their lines of thought. In practice, however, autonomy in these domains is predominantly legitimated through the expertise of professional organizations and because it facilitates the flexible adaptation of teaching and research to newly acquired scientific knowledge, to new societal needs, and to developments in the labour market.

Academics themselves are best aware of the fruitful developments in their disciplines. Usually they are also fully aware of new societal trends and needs, particularly the state of the labour market. As a general rule, therefore, universities should be left to reach their own decisions with regard to their curricula.

One exception, however, would concern such professions as medicine and teaching for which governments must establish certain guidelines and minimum standards, the reason being that the training of professionals in these areas touches upon the responsibilities of governments with regard to health care and educational policy. A second exception would concern the overall responsibility of governments for higher education systems. They therefore must approve the missions of the different institutions and make sure that their curricula are in line with their missions. Although a growing tendency favours reliance, in this respect, on the mechanisms of the free market, governments cannot withdraw from their ultimate responsibilities.

Autonomy and the research function

Autonomy, with regard to research, is a more complicated question. As university education must be research-based, the implication is that resources must be allocated to the universities to enable them to do the research necessary to maintain high standards of teaching. The research in question must be at the frontiers of knowledge.

Universities, however, are not only research-based teaching institutions, they are also the principal research institutions, with regard to fundamental and strategic research, of most of the countries at least of western Europe and North America. In some countries, the largest portions of the resources for this separate research function are part of the university budget; in other countries, the flow of research money passes mainly through research councils or through contracts with governments. Obviously, the autonomy of universities is greatest when research money is allocated through the university budget.

In the last decade, there has been a tendency for politicians and state bureaucrats to assume greater control over spending for research. The background of this policy is that the research budgets of many governments have reached their ceilings due to the limitations placed on public finance. This ceiling is likely to remain fixed for the forseeable future as the result of the ever increasing demands on government budgets by health care, social security, solutions to problems of pollution, care of the elderly, etc.

But while national research budgets are being stabilized or sometimes even being reduced, new government policies, for instance, those involving the environment, are demanding more research. So, governmental priorities are bound to shift. Priority shifts are still more urgently needed because governments want to enhance the economically competitive positions of their countries by promoting research in the engineering sciences, in biotechnology, and generally in fields which are important to their national economies. All of the above explain why governments in many countries are trying to get tighter control over university research by allocating portions of the money for specific research objectives. This is particularly the case in those countries in which most of the research is traditionally undertaken in the universities, and the flow of resources is, for the most part, directed through university budgets.

How should this development be judged? As research institutions funded by the government, universities are also subject to government science policies. A reduction of university autonomy with regard to decisions on research priorities does not in itself justify complaints.

The core problem is whether or not government science policy has been well elaborated. The solution requires a balance between applied research and fundamental research, and within fundamental research, a balance between the priorities set by the government and those set by the universities themselves. The best balance depends on specific circumstances. At least one requirement must be met by a good long-term science policy. As it takes between five and ten years to build up excellent research groups, priorities should not be changed every two years in the way politicians are sometimes inclined to do.

A strong tendency currently exists to turn universities into institutions primarily involved in teaching because politicians and government bureaucrats consider that they can, only with difficulty, control research activities. The ever increasing State control in all fields, with the concomitant expansion of state bureaucracies, has created a top-down bureaucratic culture, a main tenet of which is that of the need to develop science by steering it from a central point.

The best defense of autonomy in the area of research is for the universities to develop strong science and research policies themselves. And if there is reason to blame governments for subordinating science policies to short-term political considerations, there is equally sufficient reason to blame the universities for often not developing science and research policies at all. The equal distribution of resources is very often the greatest wisdom which universities achieve. But, financial resources alone are insufficient to enable universities to excel in a number of fields. Also, top talent is lacking for such an endeavour. Therefore, universities must build upon their various strengths and set clear priorities for themselves.

Financial autonomy

What can one say about financial autonomy? Funding mechanisms vary greatly from country to country. Input funding makes money available to cover the costs of staff, material operating costs, and investment costs. Output funding is based on the achievements of the institution, for instance the number of graduates. What is very important, however, is the amount of freedom accorded with regard to spending. Lump sum funding accords the greatest amount of freedom. When universities have strong administrations, the lump sum funding option includes the greatest number of incentives to use financial means as efficiently as possible. However, budget control and good financial information systems are essential. Efficiency is further enhanced when institutions are allowed to retain surplus money. Strong arguments in favour of autonomy with regard to financial management exist, but the conditions presented above must be met.

Personnel policies

As to personnel management, the situation is complicated by the civil service status of university staff in many countries. Moreover, trade unions, as much as governments, contribute to rigidity and uniformity in terms of personnel policy. The fact remains, however, that universities need very flexible personnel policies. They ought to have freedom of action with regard to the composition of their staffs and the differentiation of teaching and research duties as well as salaries, at least within certain limits.

Autonomy versus accountability

Autonomy is one side of the coin; accountability is the other. More than financial accountability is involved. That resources be carefully and efficiently used is a minimum requirement to be met. State and society may equally demand that universities have high teaching standards, that they produce a sufficient number of graduates, and that they take the interests of society into account in their research.

Quality control is no longer an unknown phenomenon in the academic world. Preferably, institutions should develop their own internal systems of quality control. Countries should develop nation-wide systems of external control. In this respect, autonomy is not a right to be demanded from the government, but a responsibility to be implemented on the initiative of universities.

Internal management

Finally, some remarks as to the internal distribution of competences within universities are in order. Legislation has frequently granted autonomy with regard to teaching and research to faculties, departments, and institutes. The autonomy of the institution as a whole, represented by the central administration, is restricted mainly to financial and personnel matters. In these cases, the amount of freedom is often more dependent on decisions made by ministries than on legislation.

Internal organization is laid down for the most part by state legislation. These arrangements seem no longer to be responding to what a modern university needs in order to meet the demands of education and research as reflected in the developments taking place in science and in the rapidly changing environments of higher education. Undoubtedly, curriculum development as well as decisions pertaining to research need to fall within the competences of the faculties and the departments. But on the other hand, multi-disciplinary developments require the crossing of borders between faculties and departments. This crossing, and the cooperation which is needed, cannot be dependent on the interests and the consent of the various parts of the university. Autonomy, as it is conceived by many academics, often makes the university a kind of veto-organization. Nobody can put through a policy; everyone can block one. Consequently, the internal organization of a university needs to be left to the university itself and has to be characterized both by strong central administration and strong administrations at the faculty and departmental levels. Only strongly administered, effective, and efficient universities can resist the inherent tendency of the State to interfere.

Conclusion

A university cannot be a republic of sovereign faculties, neither can it be a centralized organization. It must be a unity in which all the component parts have autonomy, based on the expertise which is needed to uphold high standards of teaching and of research.

Brief Remarks on University Autonomy and Partnership

Roberto de ANTONIIS

Dans un monde complexe et en mutation permanente, l'importance des systèmes d'enseignement supérieur est étroitement liée aux différents aspects de leur interaction avec la société (le partenariat). L'autonomie et le partenariat constituent deux particularités des systèmes d'enseignement supérieur qui se complètent réciproquement tout en restant distinctes. Ainsi, dans une société démocratique, la capacité d'interagir avec les autres organismes sociaux suppose la liberté académique qui, à son tour, renvoit à l'autonomie universitaire. Dans ce contexte, tout en préservant leur spécificité, les universités doivent prendre l'initiative dans les rapports qu'elles lient avec le gouvernement, l'industrie, etc. Quant à l'intégration à l'économie du marché, les universités ne sauraient négliger l'aspect économique de leurs activités qui ne doit pas pour autant influencer de manière néfaste leurs tâches spécifiques.

Now more than ever, universities can be regarded as the most important factors for social and economic development of modern societies.

A number of different aspects of social organization are deeply affected by higher education systems in that they contribute to the creation and provision of relevant social services in crucial fields like health care and transportation and, more generally, to the establishment of public infrastructures. In other words, the university is currently the exact opposite of the ivory tower that, for too long, embodied, in the popular mind, the pattern of the higher education institution which was completely devoted to teaching and scientific research. Of course, the latter two activities are still the pillars upon which universities must establish themselves if they want to maintain their own peculiar character and importance, but they are expected to fulfil many other tasks.

The basic assumption of this article is that the importance of higher education systems is closely linked to the different aspects of their interaction with society as a whole.

Certain conclusions drawn by the "Conference on Universities and Democratization", held recently in Warsaw by the Standing Conference on University Problems (CC-PU) of the Council of Europe, are extremely clear as to what relations should prevail between universities and society.

As the university, as an institution, evolved from society, it has an obligation to perform certain socially determined core functions including the following:

- to be a centre of learning (*Bildungszentrum*);
- to be a centre of professional education;
- to be a centre of research.

Over the last few decades, a fourth function, that of acting as a centre for social services, has gained such importance that its relative weight in regard to the above-stated core functions needs to be scrutinized (Document DECS-HE 92/3 dated 25 February 1992, para. 8).

What is currently very important is how universities can answer a number of very diverse questions rising from a complex and self-transforming society - a rhetorical question which evokes the paramount importance attached to two peculiarities of the higher education system: **autonomy** and **partnership**.

Although the simultaneous relevance of these two aspects, when found together in the same institution or system, may at first impression appear paradoxical, in fact there is no paradox, for traditional university autonomy is simply the other side of the coin, the capacity of a given institution to interact with society. Indeed, the vitality of a given institution can be measured in terms of this aspect.

Here, it is necessary to interject that a given university system should be viewed as a whole rather than in terms of individual units. However, the concept of **autonomy** is relevant both to the system (or network) and to the single higher education institution.

University autonomy has three aspects which are labeled (i) juridical and institutional; (ii) functional; and (iii) operational capacity.

According to the first aspect, the university is a self-governing body, set within a legal and national framework. According to the second aspect, each higher education system and each institution can be regarded as an entity having its own specific function (namely, teaching and scientific research). According to the third aspect, universities can act as independent bodies which are qualified, among other things, to establish links, to reach agreements, and to set up joint ventures with outside partners.

Operational capacity, recognized as an aspect of university autonomy, focusses on the second paramount peculiarity: the **partnership**.

Currently, advanced democratic societies are expected to guarantee freedom and favourable conditions of operation to social groups in order for them to interact according to their own specific aims and capabilities.

In this light, it is easy to understand that academic freedom means that higher education institutions are fully entitled to interact with other social entities and, of course, that individuals working or studying inside the institutions are free to express their ideas, to teach, to learn, and to undertake research.

As stated above, however, each higher education institution (and the university system as a whole) in a democratic society is expected to call for a full partnership. The question is not one of listing the number of possibilities of interaction open to universities in democratic societies (co-operation with the labour market in view of providing highly skilled manpower, co-operation with political-administrative institutions in order to provide technical support to important social services, and the like), but one of trying to define a possible background in which university partnerships can be easily framed.

A place for relations between universities and society can be found within the limits of university autonomy. Although no limits exist with regard to the possible varieties of co-operation between universities and the extra-mural world, the latter may prove to pose threats to university autonomy.

Aspects of the relations between national governments and higher education systems in democratic societies can be viewed in the light of co-operation in general between universities and societies. Generally speaking, the government takes responsibility for assuring to the university systems the largest portion of its financing. Nevertheless, each higher education institution, according to its institutional degree of autonomy, must be able to raise funds from private sources.

If for any number of reasons, including political reasons, a national government might wish to reduce its financial contributions, the universities concerned should be free to raise funds from other sources to the extent that they are able to avoid any threats to their autonomy. University trustees must never forget that "he who pays the piper calls the tune".

Relations between universities and industry, a crucial area in the social and economic organization of all advanced countries, can be judged by the same criterion. Every kind of co-operation with industry is welcome. It is absolutely clear that universities can appropriately carry out not only basic scientific research but also applied and industry-oriented research on the basis of agreements and joint ventures with industrial firms. The only limit is that cumbersome projects which might interfere with the traditional tasks and activities of higher education institutions be avoided.

A final question to be asked is whether or not universities can or ought to be managed according to the rules of a free-market economy.

Generally speaking, it seems obvious that they should be managed like other types of enterprises operating in a market-oriented society. In particular, university trustees and administrators cannot neglect cost-benefit ratios in fulfilling their managerial responsibilities. Moreover, higher education institutions are expected to discharge their duties in terms of effectiveness and productivity, having of course made a careful assessment of the activities which they have agreed to undertake. But expectations of profit making should never cause higher education institutions to neglect their basic calling, that of being the direct and indirect provider of social services.

L'Autonomie Universitaire[1]

Eduardo GARCIA DE ENTERRIA

The author views the university as a place in which highly qualified persons are trained as teachers and as researchers. As part of the teaching/learning process is the constant challenging of received truths. The author holds that the very core of the concept of university autonomy is the right of the teaching/research staff to adopt critical attitudes toward dominant theories in their fields, attitudes which they must transmit to their students. The organizational conditions which favour autonomy (such as the self-defined structure of the university, its right to choose its teaching staff members and students, etc.) are reviewed. After a discussion of the "myth of planning", the author explains that, for efficiency-related reasons, the policy of the public authorities concerning universities must include academic freedom as an essential quality.

L'université: la conscience critique d'une société ouverte

La commémoration du neuvième centenaire de la première université occidentale européenne à laquelle nous avons participé nous a exigé une réflexion approfondie sur l'institution même de l'université, sur le secret de sa pérennité et de sa vitalié, sur les possibilités qu'elle renferme de se renouveler, sans lesquelles il nous serait difficile de concevoir l'avenir de nos sociétés respectives.

Sans l'existence d'un centre institué d'intelligence critique, où l'on analyse les situations concrètes en postulant leur perfectionnement, où l'on mette constamment en question les résultats mêmes de cette analyse, où l'on accepte et encourage la pluralité des voies de recherche; sans la mise en oeuvre de toute cette vaste opération que l'on poursuit en même temps que l'on s'applique à la formation des étudiants, auxquels, comme base de cette formation, on ne saurait offrir des recettes définitives et encore moins des algorythmes universels, mais tous simplement des questions perpétuellement ouvertes; sans cette étrange institution nommée université; l'histoire occidentale n'aurait ressemblé que très peu à ce que nous avons vécu et nous ne pourrions même pas imaginer une société de l'avenir.

Les ethnologues l'ont formellement établi: toute société humaine correspond à une culture. La différence entre une société archaïque et une société civilisée consiste précisément en l'existence au sein de cette dernière d'une conscience critique qu'elle a incorporée dans les institutions universitaires et parauniversitaires. Une société archaïque vit sur des structures culturelles closes et définitivement figées, ses rituels et ses mythes ayant tendance à l'isoler de l'environnement, à la protéger pour ainsi dire par une formalisation définitive des structures en un système de réponses toutes faites et indéfiniment répétables. Une société civilisée est une société ouverte, en changement permanent, qui ne tient pas pour établi une fois pour toutes un système de mythes censé tout expliquer, mais au contraire met constamment en question les principes mêmes qui lui permettent de vivre aussi bien que les solutions qui semblent faire face aux problèmes toujours nouveaux que le temps fait surgir. L'instrument fondamental avec lequel ce genre de société affronte cette mise en question de ses principes vitaux et affronte le temps historique en ouvrant de nouvelles perspectives et en donnant de nouvelles réponses est justement l'université, avec son système de valeurs et d'institutions corrélatives.

C'est là une proposition d'une importance extrême qu'il convient de placer au seuil de l'analyse qu'on va entreprendre et qui s'efforcera de répondre, en substance, à la question: quel est le secret de la permanence institutionnelle de l'université, de sa vitalité et de son avenir qui ne fait pas de doute?

La relativité des structures d'organisation de l'université

Ce secret ne consiste évidemment pas en une certaine structure d'organisation.

La longue histoire de l'université occidentale, dont on célèbre aujourd'hui les origines, a connu une succession de formes d'organisation de divers types: établissements publics, privés, royaux, d'Etat; établissements de type entreprise ou organisme administratif; corporations de professeurs ou de professeurs et étudiants; corporations de professeurs considérés comme appartenant aux professions libérales ou à des syndicats ou à la classe des fonctionnaires publics; et des établissements à la limite de l'informel ou strictement bureaucratisés.

Compte tenu de la situation présente du monde universitaire, on constate qu'on est loin d'avoir une structure d'organisation unique susceptible de faciliter le travail, et encore moins une structure nucléaire fondamentale dont toutes les formes existantes puissent être interprétées comme autant de variantes.

Les dernières enquêtes exhaustives sur la question, un peu dépassées mais, de toute façon, excellentes, sont, à mon avis, les études initiées par un organisme intitulé *International Committee on the University Emergency* et ensuite le *International Council on the Future of the University*, datant de 1975 et réalisées sous la direction de Paul Seabury. La première étude s'intitule *Universities in the Western World* (New York:

Free Press, 1975). La seconde, présentant la vaste réforme mise en place dans les pays occidentaux après la *révolution étudiante* de 1968 et ayant été dirigée par Hans Daadler et Edward Shils, s'intitule Universities, Politicians, and Bureaucrats: Europe and the United States (Cambridge: University Press, 1982). Le tableau que cette dernière offre continue à être valable dix ans après la parution du livre.

Ce qui ressort du livre de Daadler et Shils, situation valable aujourd'hui encore, c'est la scission du schéma occidental d'organisation universitaire en deux grands modèles en quelque sorte contrapuntiques. Il y a premièrement le modèle européen continental, caractérisé, comme réponse aux demandes des étudiants de 1968, d'une part par la suprématie du principe de cogestion des organismes universitaires, ce qui met un point final à l'*Ordinarienuniversität*, à l'université des professeurs, en permettant la participation à la gestion aux enseignants de rang inférieur, aux étudiants et aux fonctionnaires de l'administration, et même aux représentants des organisations sociales, syndicales ou politiques extérieures à l'université, d'autre part par une intervention accrue des pouvoirs, centraux et régionaux, sous prétexte de planifier l'enseignement et la recherche et d'assurer le droit de s'instruire à tous les citoyens qui y sont aptes.

Le deuxième modèle est le modèle anglo-saxon, anglais et nord-américain. En dépit des grandes différences qui existent entre ses variantes, elles ont en commun le maintien de la structure fondamentale commandée par un conseil de patronage délégué, bien que les professeurs de premier rang jouissent d'un large crédit de confiance, car ce sont eux qui normalement désignent ce Conseil ou participent au moins à sa désignation. L'Etat (les membres de la Fédération ou, respectivement, de l'Union) n'intervient pas directement dans les activités d'enseignement ou de recherche à ce niveau institutionnel, mais la politique des subventions, d'importance croissante dans l'économie des universités, entraîne l'inféodation certaine, plus ou moins stricte, aux options politiques des détenteurs du pouvoir financier.

Devant cette pluralité tranchante de formes historiques et courantes d'organisation universitaire, il est clair qu'on ne saurait être tenté de proposer l'une de ces formes concrètes comme seule porteuse du secret institutionnel de ces subtils et délicats mécanismes que sont les universités. Aucune de ces formes ne semble être l'expression d'une essence immuable, car il n'y a justement pas d'organisation immuable et canonique.

Impossibilité d'une comparaison institutionnelle abstraite des modèles

Il serait tentant d'essayer d'obtenir des résultats significatifs en comparant le rendement de cette multiplicité de formes historiques d'organisation universitaire ou en comparant les formes actuelles. Ce serait par hypothèse se demander quelle est la structure d'organisation la plus adéquate à la réalisation des valeurs et des fins de l'université.

Mais cette voie ne mène elle non plus nulle part, car les institutions ne sont jamais des formes abstraites, interchangeables, qu'on puisse adopter quand on veut, indépendamment du contexte politique et social. Les structures formelles plongent leurs racines dans les habitudes sociales, dans les traditions, dans les situations politiques dont on ne saurait faire abstraction.

Certes, toute communauté académique doit analyser le rendement de sa structure d'organisation à la lumière du système auquel elle appartient, mais ce serait dépourvu de bon sens de le faire dans une perspective globale internationale. C'est-à-dire, on doit identifier les valeurs universitaires spécifiques et se détourner des valeurs générales tant de fois décevantes. Souvenons-nous, par exemple, de la difficulté que nous avons de manier des principes tels que la démocratisation ou la participation qui, à un moment donné, lors des réformes universitaires européennes d'après 1968, paraissaient ouvrir avec nécessité de nouvelles voies, mais qu'il est bien délicat d'articuler.

Mais ce n'est pas là le chemin le plus opportun que notre méditation doit prendre, ne fût-ce que parce que nous perdrions ainsi, comme nous l'avons déjà indiqué, la perspective générale qui est la nôtre et sans laquelle on ne saurait procéder à des analyses trop particulières.

L'autonomie universitaire, fonction institutionnelle fondamentale de l'université

Notre problème serait peut-être celui d'identifier le principe occulte qui a permis aux universités de remplir leurs fonctions essentielles sous des formes si diverses et variables. Et ce principe est justement ce que nous appelons l'autonomie universitaire.

Une organisation a une structure objective aussi bien qu'une fonction à laquelle cette structure doit servir. Nous avons déjà mentionné la fonction générale de l'université: former des spécialistes et des scientifiques de haute performance par l'intermédiaire d'un enseignement constamment mis en question, ouvert à la recherche et aux changements, pluriel et non pas dogmatique, attaché et consubstantiel ainsi à l'élaboration de la science. C'est là, dirions-nous, la véritable fonction critique d'une société, soucieuse de et essentiellement intéressée à la formation de spécialistes et de scientifiques hautement qualifiés.

Nous ne nous proposons pas de faire la philosophie de cette fonction de l'université, philosophie à laquelle tant d'esprits distingués ont apporté leurs lumières. Notre propos est bien plus modeste, comme nous le recommend la singularité du thème soumis au débat général, qui pourra être plus éclairant que nous ne pourrons le dire.

Ce thème est celui de l'autonomie universitaire, dans laquelle nous essayons d'identifier le principe essentiel qui fait d'une certaine organisation, qui peut être très variée, comme nous venons de le voir, précisément une université, au sens d'espace où s'accomplit cette fonction critique et formative précise.

Dans ce sens, l'autonomie universitaire est liée, en tant que son *contenu essentiel*, à l'exercice de cette fonction critique. L'autonomie universitaire est en premier lieu la liberté des professeurs de mettre en question la science reçue, de faire reculer les frontières de l'inconnu, de transmettre leur propre version de la science au lieu de reproduire les versions dominantes. Ainsi, l'autonomie universitaire est, fondamentalement, la liberté de la science et l'introduction de cette liberté dans le processus formatif.

Cette liberté et, par voie de conséquence, cette figure essentielle de l'université ne saurait exister là où il ne s'agit que de centres d'endoctrinement ou de formation dans l'esprit d'une doctrine figée une fois pour toutes. Il y a des facultés et des départements universitaires qui étudient et font de la recherche dans le domaine des sciences dogmatiques telles que la théologie ou le droit, disciplines qui ont été, certainement, à la base des premières universités. Le théologien doit respecter le texte sacré ou le dogme prêché par son église de la même façon qu'un juriste respecte le texte de la loi ou des sentences qu'il a à étudier. Mais, sur ce respect, il est possible de construire une science, la théologie, la jurisprudence ou la science du droit et, par conséquent, un débat, des écoles différentes, des conclusions différentes. C'est justement ce débat, cet espace de liberté qui permet de convertir ces disciplines en objet d'études universitaires, et non pas la catéchisation, l'inculcation dans les esprits du catéchisme d'une religion ou, pour ce qui est des policiers ou des gardiens, des normes de la loi ou du règlement qu'ils auront à appliquer.

L'autonomie universitaire se réfère ainsi, premièrement, à l'autonomie des professeurs pour ce qui est de leur esprit critique et de l'enseignement qu'ils donnent.

Il est évident qu'une telle liberté critique et d'enseignement requièrent un espace institutionnel concret qui les rend possibles. Les structures universitaires sont extrêmement variées et l'ont toujours été, comme nous l'avons déjà vu, irréductibles à un modèle formel unique, mais chacune, tout en restant un système particulier, doit assurer que ce qu'on fait en son sein soit précisément de la science et que ce qu'on enseigne le soit dans l'esprit critique de la permanente mise en question du savoir reçu. Cette possibilité résulte souvent des normes universitaires mêmes, mais aussi des coutumes, des habitudes et des règlements de la carrière universitaire. Par exemple, dans l'université française antérieure à la Loi Faure d'orientation, de 1968, qui initiait la série de réformes postérieure à la révolution étudiante de la même année, aussi bien que dans les universités des pays latins qui avaient un modèle analogue, les professeurs étaient des fonctionnaires. Les lois ne spécifiaient pas l'extension à leur égard du devoir hiérarchique auquel les fonctionnaires sont généralement soumis dans une organisation administrative, mais il y avait un consensus tacite quant à cette extension aux fonctions d'enseignement et de recherche. Mais d'autre part, les règles relatives à la sélection du corps enseignant accordaient un rôle déterminant à la décision des membres de ce corps, décision qui s'appuyait sur l'appréciation libre des mérites scientifiques du candidat. Le développement de bonne heure au XIXe siècle de l'idée de liberté académique excluait la possibilité d'un contrôle idéologique sur les professeurs (que ce fût sur leurs options politiques, religieuses, ou scientifiques; qu'on pense à ce que fut la pénétration dans les universités des idées révolutionnaires). Même au sein d'une structure administrative bureaucratique il y avait donc place pour une autonomie universitaire réelle.

Principes d'organisation complémentaires de la réalisation effective de l'autonomie

Sous peine de devenir excessivement schématique et formelle, la formule précédente doit être complétée. La valeur, autonomie universitaire, a en effect comme contenu primitif cette nécessité d'assurer au professeur la possibilité d'une attitude critique et de recherche et de faire que cette attitude qu'il a à l'endroit de la science qu'il enseigne soit exactement celle dans laquelle se forment ses étudiants. Ces derniers doivent recevoir certains contenus scientifiques, le savoir de leur époque, mais aussi une méthode d'accès direct à la réalité avec cette science, méthode leur permettant de faire face aux nouveaux problèmes qu'ils rencontreront inévitablement durant l'exercice de leur profession future, de leur carrière. Mais le plein épanouissement de ce contenu nucléaire est facilité et stimulé si certaines conditions d'organisation sont réunis et, au contraire, est rendu difficile et même bloqué si, dans l'organisation, apparaissent des rigidités et des contradictions avec le contenu essentiel. L'énonciation de quelques principes généraux permettra de réfléchir sur les conséquences de l'assertion de base selon laquelle l'autonomie réelle n'est pas un cadeau dont les universités bénéficient dans tous les cas, mais bien un objectif à atteindre et qui peut être facilité ou bloqué.

Organisation propre et indépendante

De prime abord, il est clair que l'objectif final de cette autonomie assurant la fonction critique de l'université est favorablement influencé si on la considère non pas comme dépendant d'un organisme plus général (tel que l'Etat, le Ministère de l'Education, etc., selon le modèle napoléonien de départementalisation hiérarchique), mais comme une université indépendante. C'est là le sens même de la tradition occidentale, excepté les excès d'organisation du modèle administratif français du siècle passé, et c'est là, comme on le sait, l'origine même du concept d'*université*, qui porte en lui l'idée d'une corporation indépendante de type fondation ou bien de type corporation des professeurs ou des professeurs et de leurs élèves. Cette formule a subi par ailleurs l'épreuve du temps et s'avère de nos jours encore irremplaçable. Les pays latins, qui l'ont abandonnée pour des raisons de circonstance, l'ont retrouvée avec les lois post-1968, ce qui est, pour le moment, une confirmation indiscutable de sa validité.

Le problème du substrat réel de l'autonomie: le modèle fondation et le modèle corporation participative

Penser l'université comme un organisme indépendant et autocéphale, ayant sa propre personnalité juridique, comme disent les juristes, ne doit pas être une pure donnée formelle, mais doit s'appuyer sur quelque chose de réel et de positif et, de plus, doit s'exprimer en une capacité d'auto-organisation et d'autodécision. C'est à un organisme de ce type que les juristes réservent le qualificatif d'autonome et c'est à lui que se réfère le terme original (autonormation), bien qu'on puisse penser, comme on l'a déjà fait, qu'on peut maintenir un dernier réduit d'autonomie universitaire même sans l'appui d'une indépendance juridique et formelle.

Les problèmes surgissent lorsqu'on veut préciser les deux problèmes fondamentaux qu'on a mentionnés, celui du substrat réel de cette indépendance et celui du contenu matériel de ses facultés de régulation. Le premier thème nous conduit à deux formules de base distinctes qui se disputent aujourd'hui l'espace occidental: la formule fondation, chronologiquement la première, s'appuyant sur des chartes royales ou pontificales et qui est présente aujourd'hui un peu partout dans l'espace anglo-saxon; et la formule corporation ou participation (corporation de professeurs, ou corporation de professeurs et d'étudiants), ayant une tradition tout aussi prestigieuse et reconnue concrètement aujourd'hui dans la législation européenne des réformes d'après 1968. Cette dernière formule pose à son tour deux problèmes qu'on ne saurait résoudre de façon abstraite et présente tellement de variantes qu'il serait présomptueux de vouloir les systématiser: corporation des seuls professeurs de rang supérieur ou corporation réunissant ces derniers et ceux qui accèderont un jour à cette catégorie et qui collaborent avec eux à des projets scientifiques communs, d'une part, corporations de professeurs et d'étudiants en des proportions variables ou bien corporations de ceux que nous venons de mentionner et d'un nombre variable de représentants du personnel administratif et enfin des formes qui associent à ces catégories des groupes de représentants du monde extérieur, de la société, dont la nature et le degré de participation et d'intervention sont variables. Il est clair que tout cela conduit à des excès trop abstrus pour que nous puissions les discuter de manière abstraite et générale. L'adoption, la configuration et la modulation d'un modèle concret à partir de l'une de ces possibles bases ou variantes combinatoires diversement nuancées a été l'oeuvre des récentes réformes des pays continentaux, réformes dont l'impact sur les réseaux universitaires existants a constitué l'une des commotions les plus importantes de la longue histoire de l'université.

Sans vouloir évaluer ces réformes et leurs résultats concrets, nous dirons seulement que, d'une part, nous ne pourrions résoudre le dilemme des bases (fondation ou corporation participative) par des déclarations ou des appels à la démocratisation des institutions, par exemple, ou à l'élimination de l'aliénation (c'est le genre de rhétorique employé en 1968, rhétorique dont le faible impact sur le contenu essentiel de l'autonomie universitaire révèle sa forte dose de conventionnalisme et a fait de l'université un laboratoire de réformes sociales plus ambitieuses que purement techniques). Et, en deuxième lieu, il est à noter que ce dilemme quant aux principes structuraux concerne plutôt les buts et les objectifs fondamentaux, car les deux principes, fondation ou corporation, sont également et nécessairement co-présents dans presque toutes les universités. Dans les universités qui correspondent essentiellement au type *fondation*, car on ne saurait les penser sans la participation effective (y compris la participation, comme nous le notions, à la désignation du conseil de patronage) des professeurs, exigence minimale de la liberté scientifique, clé de voûte, on le sait, de l'autonomie universitaire. Il se peut bien que la participation des étudiants ne soit pas encore formulée dans les mêmes termes dans l'ensemble de la législation européenne de la réforme, mais il est évident que par divers moyens, dont les associations formelles, ils ont maintenant leur mot à dire et ne se considèrent plus comme des objets manipulés par un enseignement et par une institution auxquels ils se sentent étrangers. Pour ce qui est des modèles corporatifs-participatifs promus par la législation réformiste des pays continentaux, ils s'appuient toujours sur le principe, *fondation*, mais de manière surtout implicite, à travers la volonté de ces véritables fondateurs et bailleurs de fonds que sont l'Etat et les régions. Celles-ci, y compris les organsimes administratifs des Ministères de l'éducation ou d'autres organismes qui agissent par leur intermédiaire et dont il est question plus loin, ont une position qui leur permettent de se réserver un pouvoir d'intervention nullement négligeable.

Il s'ensuit que le degré d'autodétermination n'est jamais aussi important que ne le faisait penser l'expérience du principe corporatif en son état pur. La législation universitaire s'applique à délimiter le champ opérationnel des établissements, définit leurs organes, leur composition et leurs compétences, conditionne de l'existence de plans ou d'approbations le déploiement d'une bonne partie de leurs activités, octroie des fonds à destination précise, conditionne assez rigoureusement la formation et la mobilité des enseignants et des enseignés, et intervient même dans l'organisation des enseignements. Il n'est pas difficile alors de conclure à un plus haut degré d'indépendance et de liberté des universités anglo-saxones de type *fondation* par rapport aux universités-corporations qui ont à subir à chaque instant le carcan des lois normatives par lesquelles les institutions publiques qui les soutiennent se font payer leurs soutien. C'est aujourd'hui un fait vécu d'une manière extrêmement intense par la plupart des universités européennes du continent, qui ont découvert que le principe corporatif dans lequel elles ont essayé de trouver un soutien réel pour leur autonomie ne les a pas conduites à une plus grande indépendance, mais, dans certains cas, à la situation contraire (rigidités, contrôles, bureaucratisation exercés désormais par des instances qui n'ont rien à voir avec le noyau essentiel de l'autonomie et agissent selon des intérêts politiques locaux, politiques souvent contradictoires avec ledit noyau). Un corporatisme exercé par des personnes qui ne sont pas des membres actifs véritables de la corporation universitaire conduit en pratique à de graves disfonctionnements et surtout à la consolidation du sociétaire le plus important, de celui qui paie, notamment l'Etat, qui, afin de renforcer son pouvoir, fait le jeu des autres participants qui se rencontrent dans la poursuite d'intérêts mineurs, sans relation ou, parfois, antagonistes avec ce qui importe vraiment, la liberté et le développement de la science. Il est donc compréhensible que le modèle participatif européen d'après 1968 ait très tôt révélé de sérieux inconvénients et de maigres résultats, de façon que nous trouvons indispensable que l'on passe à une réforme de la réforme si on veut éviter la dégradation sévère du système (les recherches de Daaler et Schils conduit à la même conclusion).

La domination virtuelle de l'Etat dans le système participatif, seul porte-parole d'intérêts non partiels dans ce conglomérat de représentations hétérogènes (et qui le sont même par rapport à leur propre but institutionnel) est un résultat paradoxal, qui doit être corrigé.

Le relâchement du contrôle, le renoncement aux formes matérielles moins élevées d'autoconfiguration et de responsabilité, de façon à ce que les universités puissent s'individualiser par des traits distinctifs, par leurs politiques, par leurs corps d'enseignants, par les cursus offerts, par les directions de recherche et de développement choisies semblent être une nécessité incontournable pour corriger la législation de la réforme.

Il ressort avec évidence que ce relâchement du contrôle et l'augmentation corrélative de la capacité des universités de déterminer leurs politiques vont dans le sens du principe de base que nous avons mentionné si souvent, le principe qui voit dans la liberté et la qualité de la recherche scientifique la substance même de l'autonomie universitaire.

La capacité des universités de sélectionner leurs professeurs et leurs étudiants

Nous nous arrêterons un instant sur un problème délicat, celui de la capacité des universités de sélectionner leurs enseignants et leurs étudiants. La sélection des enseignants doit être faite par la communauté scientifique même. Le concept de communauté scientifique a été mis en place par la sociologie de la science (il est posé comme central pour l'histoire du développement de la science dans le livre si important et très bien connu de Thomas Kuhn, *The Structure of Scientifics Revolutions*, surtout dans la deuxième édition (University of Chicago Press, 1970). Sans un corps enseignant qualifié, dévoué, actif il n'y a purement et simplement pas d'université, dans le sens strict que nous avons donné à sa fonction; le prestige d'une université est donné par ses professeurs et non par la perfection supposée de ses mécanismes représentatifs. Il s'ensuit que la seule *communauté scientifique* a la capacité d'apprécier objectivement ses membres, car c'est dans son sein que la science, qui n'est plus aujourd'hui une activité individuelle, comme peut l'être celle de l'artiste, se fait, se développe et connaît des changements sans lesquels il n'y a pas, on le sait, de véritable science.

La décision de sélection peut être parfois le fait d'un organe de représentants, lorsque cet organe (et en aucune autre situation) tient cette responsabilité de l'instance qui dirige l'université, mais sa décision doit s'appuyer sur le jugement préalable de la *communauté scientifique*, la seule capable d'évaluer correctement une oeuvre scientifique et d'identifier ceux qui sont véritablement ses membres.

En aucun cas cette sélection ne peut être déterminée ou conditionnée par les organismes politiques généraux, ministériels ou non, ou par les *partenaires* sociaux étrangers à la science. La *communauté scientifique* est un corps étendu, normalement supranational s'il ne s'agit pas de disciplines fortement conditionnées nationalement (droit, histoire, linguistique), le caractère supranational étant même la marque indélébile de l'authenticité. La sélection doit être directement ou indirectement à la charge de cette communauté scientifique en tant que corps qui ne peut nécessairement pas s'identifier à un département ou à une personne. La tentative de discréditer ce procédé, qui fait partie de la tradition de l'université, par des épithètes faciles et des expressions péjoratives comme *co-optation élitiste*, *procédés de caïques*, etc., cache en fait des intérêts bien moins respectables que ceux de la science. Il est évident que chaque université doit connaître et évaluer les nécessités et les facilités que présentent chaque situation et chaque nouvelle offre, mais il serait erroné de construire sur cette considération un système qui exclurait la communauté scientifique du processus d'identification de ses membres authentiques.

Quant à la sélection des étudiants, la question est compliquée par la fameuse, et évidente, massification. Les Etats transformés en protecteurs du droit généralement reconnu que tous les citoyens ont à l'instruction ont fini par imposer, sous prétexte de *planification* (terme aujourd'hui discrédité, mais non pas en 1968), le nombre des étudiants, les quotas, les limites de l'expansion, et cela de façon directe ou indirecte, au moyen de l'instrument financier et des subventions.

Il ne s'agit pas d'analyser ici les problèmes de la massification des étudiants. C'est un fait, à n'en pas douter. En France, on est passé de 30.000 étudiants en 1900, sur l'ensemble du territoire, à plus d'un million aujourd'hui. La croissance est encore plus importante en Espagne et dans d'autres pays. Le grand taux de chômage que connaissent actuellement les sociétés européennes n'a fait qu'accentuer le désir de suivre des études supérieures. On doit actuellement, paraît-il, s'efforcer de diversifier les établissements, le cursus, les écoles spécialisées et ceci non pas pour dégréver l'université traditionnelle, encore moins pour la commodité et l'élitisme des professeurs, mais surtout parce que c'est ce qu'impose le fonctionnalisme de la société d'aujourd'hui, qui tend à être de plus en plus sophistiquées et de plus en plus diversifiées. D'autre part, il n'y a pas de sens à remplir outre mesure les amphithéâtres, à imposer aux professeurs à travailler avec un nombre d'étudiants rendant impossible toute efficacité, à empêcher l'enseignement direct et de qualité propre à l'université et à ravaler les diplômes à une nouvelle espèce de certificat d'études universitaires moyennes, généralisable comme formation générale.

Pour nos sociétés affrontés à ce défi, l'enjeu est considérable. Le rétrécissement de la spécificité universitaire aux seules études de troisième cycle, dans les conditions où les deux premiers sont surchargés et sont assurés par des enseignants de rang inférieur, ce qui semble être la situation dans plus d'un pays européen, ne nous semble pas être une formule défendable.

L'important, dans notre perspective, est de savoir si les universités peuvent et doivent intervenir résolument dans la sélection des étudiants. Il paraît évident que tel devrait être le cas, à condition qu'on tienne compte des limites matérielles qui résultent de la limitation des moyens de l'université et de sa capacité réelle d'assurer un enseignement digne d'être qualifié d'universitaire. Toutefois, dans bien des pays les gouvernements se sont réservés le droit de fixer les quotas et souvent celui de supprimer le numerus clausus sous prétexte de planification de l'enseignement, problème qui est traité ci-dessous.

Intervention de l'Etat dans le développement de l'université

L'Etat a presque toujours intervenu dans la vie de l'université au moyen de chartes, de statuts, de règlements et de lois universitaires, si ce ne fut en influençant directement son système d'organisation pour faire de l'université une institution dépendant du gouvernement. On a déjà noté que cette dernière situation est tout à fait contraire au principe de l'autonomie et, par voie de conséquence, à l'université même. Toutefois, du fait qu'un segment toujours croissant du budget universitaire vient des finances publiques, du fait de l'importance croissante des activités universitaires, du fait aussi de l'intérêt public de certaines recherches impliquant les universitaires; dans la quasi totalité des lois européennes de la réforme d'après 1968 est apparu un titre autorisant l'intervention de l'Etat pour la planification générale ou nationale des nécessités et des ressources de l'université.

Il est vrai que dans les années 1960 et 1970, le concept de planification générale a joui d'un prestige tout à fait singulier. Aujourd'hui, c'est le scepticisme quant à l'omniscience des gouvernements qui est monnaie courante. De la même façon que les plans de développement économique, détaillés et pluriannuels, ont disparu de presque tous les pays occidentaux, de la même façon on doit mettre sérieusement en question l'idée d'une supposée capacité de l'Etat de prévoir, diriger et orienter ce processus complexe qu'est la vie et les activités de l'université. Il y a là un ensemble de thèmes de philosophie sociale générale sur lesquels il serait prétentieux de nous arrêter, mais ce qui compte avant tout, vu notre statut spécifique d'universitaires, ce sont la connaissance de notre propre expérience et la conscience de nos possibilités.

L'idée même d'autonomie universitaire, telle qu'on l'a précisée, nous permet d'être catégoriques lorsque nous exprimons le peu de confiance que nous faisons aux politiques des ministères de l'éducation et notre méfiance devant la facilité avec laquelle ils tendent à faire passer pour une simple question administrative leur supposée omniscience dans le domaine de la prévision et de la direction qu'on désigne par le concept de planification. Par instinct et par l'expérience acquise durant le long contact avec ce genre de choses, nous croyons beaucoup plus à la capacité qu'ont nos organsimes universitaires de faire face aux problèmes nouveaux, de chercher des voies spécifiques, de faire progresser nos appareils et nos moyens. La tâche des gouvernements est de faciliter cette *restauration* intérieure.

Cela ne veut pas dire que les gouvernements doivent se désimpliquer totalement du développement de l'université, désimplication inimaginable et même indésirable. Bien que la planification minutieuse et pluriannuelle ait fait faillite et ait été abandonnée, ceci n'implique pas l'abandon de toute politique économique, qui est d'une importance toute particulière durant les époques de crise comme celle que nous vivons. L'Etat disposera toujours d'une stratégie quant à ce qu'on doit faire des chiffres toujours croissants qui ressortent de l'examen des budgets universitaires. Mais cette stratégie doit inclure comme l'un de ses instruments essentiels justement la liberté académique, son autonomie réelle avec l'ensemble des mécanismes organisationnels qui, on l'a vu, la rendent possible et la stimulent.

La raison pour laquelle cette stratégie doit être une stratégie de la liberté et non pas du dirigisme ne réside nullement dans le narcissisme des universitaires, dans leur orgueil ou dans leur ambition de s'autosuffire, mais purement et simplement dans la nécessité d'avoir une efficacité réelle, dans la nécessité d'obtenir de nos ressources un bénéfice plus grand et d'accomplir de façon effective les hautes fins qui incombent à l'université dans les sociétés d'aujourd'hui. Il serait redondant de proposer une nouvelle démonstration de cette assertion, qui est d'ailleurs démontrée par les faits.

Conclusion

En Europe, les problèmes de l'université ont cessé d'être locaux et nationaux pour devenir des thèmes universels. Cela renforce le rêve que nous inspirent les nouvelles frontières tracées par l'intégration de nos Etats. Et puis du point de vue juridique il y a le défi de la reconnaissance réciproque des diplômes et des titres qui a été formulé comme application de l'Acte unique européen.

La nouvelle société, que les plus jeunes auront le privilège de connaître, va être une société de l'information, de l'adaptation et du changement, une société de techniques constamment perfectionnées. Elle n'aura presque rien à voir avec l'idée traditionnelle de la richesse comme accumulation de biens; il n'y aura plus d'autre richesse que l'accumulation du savoir. Cette société requerra donc de l'initiative, du pluralisme, de la créativité. Nous nous rendons bien compte que ce sont là justement les valeurs qui ont jalonné l'histoire de l'université; ses seuls biens, les idées qui animent son idée essentielle d'autonomie et de liberté, et qui la rendront encore plus indispensable dans le monde de demain.

Notes

1. L'auteur a présenté la version originale de cet article à la conférence "L'Université et le monde d'Aujourd'hui" qui s'est tenue entre le 13 et le 18 septembre 1988 à Bologne sous le patronnage de la Conférence permanente des recteurs, des présidents et des vice-chanceliers des universités européennes (CRE) en commémoration du neuvième centenaire de l'Université de Bologne.

L'Autonomie: Un Privilège Stratégique et Normatif Négocié

Pierre TABATONI

The right to autonomy is a priviledged status which society offers to universities. As proven by history, autonomy has been a constantly negotiated right, involving, both in the past as in the present, a great degree of responsibility towards society. Autonomy is 'politically' legitimated by law and is financially secured by general financing. In most countries, universities may define their internal status and freely choose their programmes, diplomas, and research priorities, in accordance with national and international scientific orientations. However, the practical enforcement of autonomy may be limited by various general factors, which have to be closely defined and analysed. Autonomy does not mean isolation. Regional, national, and international partnership is the leading trend nowadays. Nonetheless, a definite identity can be achieved only by the implementation of a coherent set of institutional strategies that define a certain approach towards research, formation, inner organization, etc. Moreover, the actual securing of autonomy is obtained by the observance of various self-imposed 'norms' which regulate the good functioning of universities, their relationships, etc. Therefore, responsibility, strategy, and normative dynamism are the essential factors in the practice of autonomy.

Un privilège de responsabilité

La revendication d'autonomie par les universités est liée aux exigences de la pensée critique et du travail scientifique et plus généralement à l'exercice des libertés démocratiques. Elle est aujourd'hui très générale.

Ce droit est un privilège statutaire accordé par la société. Il ne l'est pas à tous les établissements d'enseignement supérieur. En fait la société n'accepte de l'accorder qu'à des institutions dont l'organisation et les normes lui laissent espérer que ces missions de base seront effectivement réalisées. C'est en principe le cas des universités. La société attend à la fois *réactivité* aux changements sociaux, et *proactivité*. C'est la contrepartie de leur autonomie.

Aussi l'histoire des universités montre bien que la meilleure garantie sociale de leur indépendance réside dans le prestige des professeurs et leur volonté de conserver leurs libertés, à la qualité des activités dans un milieu créatif et tolérant, à l'attachement des étudiants aux valeurs de connaissance et de liberté, et à l'image publique des institutions universitaires.

En outre, aujourd'hui, la diversification des besoins de formation conduit au développement de très nombreux établissements *non universitaires*, qu'on appelle *post secondaires*. Les images publiques des organismes de formation deviennent plus floues et plus compétitives; d'autant que les universités elles-mêmes se professionalisent, et que, sur le plan des recherches, elles sont aussi en compétition. L'exigence d'autonomie est ainsi affaiblie.

Cette autonomie s'inscrit toujours dans une légitimation politique, que ce soit une loi-cadre pour les universités publiques, ou celle qui lui est donnée par son plus haut conseil, si elle est privée. Le niveau politique définit généralement les missions fondamentales et le cadre organisateur. Il assure une partie des ressources et il évalue les performances, car il doit rendre compte à la société des ressources utilisées et des résultats obtenus.

Sur le plan financier, l'importance relative du financement général, c'est à dire non affecté à des dépenses spécifiées, est essentielle. Car tous les financements affectés, par définition, limitent la liberté de choix des programmes et des recherches. Les emplois permanents de professeurs et les bases de la recherche doivent être couverts par des ressources qui garantissent la durée et l'autonomie des activités. Trop souvent aussi les règles de comptabilité publique sont peu adaptées et limitent les initiatives. Aujourd'hui, la limitation des budgets publics contraint les universités à rechercher des ressources externes et contractuelles, généralement affectées; ce qui met en cause, d'une certaine façon, la portée pratique de leur autonomie.

Du fait de l'argumentation considérable des besoins de formation, de la complexité des missions universitaires, les pouvoirs publics tendent à laisser aux universités une plus grande autonomie. Ils réduisent ou même suppriment leurs interventions détaillées et directes, au profit d'un *pilotage* général. Au delà des budgets standardisés, résérvés à tous les établissements selon les principes d'égalité et de transparence, ils développent des relations contractuelles et incitatrices. Par ailleurs, ils renforcent l'usage de méthodes d'évaluation externe et interne.

Aussi dans la plupart des pays, les universités peuvent définir leurs statuts internes, dans le cadre de prescriptions légales. Elles choisissent leurs programmes et diplômes; elles recrutent et gèrent leurs personnels, selon des règles générales; elles orientent leurs recherches, sous réserve de politiques scientifiques nationales et internationales. La liberté de sélection des étudiants est plus rare, s'agissant de libertés fondamentales démocratiques fixées souvent par l'échelon politique.

L'obligation qui leur est faite de s'ouvrir aux adultes peut être aussi édictée politiquement.

Cette autonomie ne signifie pas l'isolement. Pour mieux résoudre leurs problèmes communs, les établissements coopèrent entre eux, et leur dirigeants participent à des Conférences nationales des recteurs, et à des organisations internationales comme la Conférènce permanente des recteurs, des présidents et des vice-chanceliers des universités européennes (CRE) ou l'Association internationale des universités (IAU). Ils participent à de véritables partenariats. Dans le cadre des politiques d'européanisation ils sont membres de multiples réseaux comme *COMMET, ERASMUS, TEMPUS*, ou d'autres réseaux internationaux. Souvent les organes régionaux de développement incitent tous les établissements de la région à coopérer et à harmoniser leurs activités, pour mieux servir les usagers.

Les liens entre autonomie, responsabilité, stratégie et évaluation

Plus grande est l'autonomie des établissements, plus forte est la nécessité pour eux de faire des choix, d'adopter des stratégies de formation, de recherche, et de service ou même d'organisation interne et de relations. Ce sont normalement des stratégies de changement collectif. Elles diversifient les établissements, les uns par rapport aux autres, chacun ayant ainsi son identité.

On peut penser que cette diversité renforce en fait leurs libertés et donne une image institutionnelle à leur autonomie, sous réserve d'une certaine confusion d'identité observée aujourd'hui; d'où l'importance de stratégie de communication pour chaque établissement. C'est un instrument de son autonomie.

L'autonomie concerne à la fois l'institution et ses membres. En effet elle n'a de sens que si les libertés de l'institution s'étendent à tous les niveaux de son organisation, dans ses facultés, départements, chaires, etc.... Toutefois l'université n'est pas seulement un *marché organisé*, où chacun offre et demande des services spécifiés. Elle est une institution de la société, avec sa propre stratégie institutionelle qui exprime son identité. Elle donne des orientations générales plus ou moins prescriptives à ses membres, car c'est elle qui est redevable devant la société de ses activités. Elle est régie par des normes qui jouent un rôle essentiel dans la pratique de son autonomie.

Divers facteurs, autre que les réglementations, sont des contraintes pour l'autonomie et peuvent en limiter l'exercice dans la pratique.

D'abord l'environnement politique ou syndical, ou religieux ou autre, peut plus ou moins fortement orienter les stratégies et limiter les choix. Des réglementations de détail, procédures financières et autres, peuvent aboutir à les fractionner, et à décourager les initiatives. En outre les choix stratégiques sont souvent difficiles à mettre en oeuvre, du fait des conflits internes et externes qu'ils provoquent, et des difficultés de les gérer. On peut alors préférer la prudence ou la stabilité au changement, ce qui ne valorise guère l'autonomie.

En bref, comme la lumière, l'autonomie est dotée d'un spectre complexe qui lui donne son ton et sa brillance. Sa portée pratique doit toujours être analysée finement.

Autonomie et mutations de société

Autonomie et *pouvoir* sont évidemment toujours associés, comme le sont *pouvoir* et *négociation*. L'histoire européenne des universités nous montre qu'elles ont dû constamment négocier leurs pouvoirs et leur autonomie avec les autres pouvoirs de la société et que leurs statuts les plus formels n'ont jamais été une protection perpétuelle.

Comme il est dit dans Tome 1 de l'Histoire des universités européennes (1991), publiée à l'initiative de la CRE, "l'histoire des universités médiévales est dominée par la lutte pour l'autonomie". "Il a fallu une longue période pour que l'église et l'Etat reconnaissent le *studium generale* comme une institution autonome"; et les relations entre ces nouvelles corporations et les villes "ont toujours été précaires".

Mais cette conquête majeure qui répondait aux besoins de la société a bientôt dégénéré. Dans le chapitre sur l'organisation et les ressources, l'auteur souligne, en conclusion, un mouvement allant "d'une autonomie légale et d'un statut privilégié pour les maîtres et les élèves, à un système de caste professorale et de dépendance croissante à l'égard des autorités publiques..."(ibid., p. 142).

L'histoire européenne abonde en situations de retrait de l'autonomie. En France, dès le 15e siècle, le roi a soumis l'université de Paris à des réformateurs du Parlement, et les ordonnances royales centralisatrices de 1560 et 1579 prescrivent une enquête générale sur leur fonctionnement. Au 16e siècle, à Bologne même, c'est le Légat de Rome et ses représentants qui dirigent désormais l'université. Au 17e et au 18e siècle, les facultés des arts des universités perdaient peu à peu leurs étudiants au profit des collèges des jésuites qui formaient les élites.

Pendant la Réforme, les rois et princes catholiques et la faculté de théologie de la Sorbonne renforcèrent leurs contrôles et leurs interdits contre les thèses de Wittemberg, alors que Luther et Calvin prenaient en main des universités protestantes.

Si dès le 15e siècle, plusieurs universitaires s'enthousiasmèrent pour les nouvelles idées et pratiques de l'humanisme et rénovèrent certains enseignements, il a fallu presque deux siècles pour passer des universités gothiques à des universités humanistes et quelques coups de force contre l'université, comme la création du célèbre Collège de France par le roi François 1er. Partout, et même en Italie, le retard intellectuel ou le conservatisme de nombreuses universités firent que les humanistes, de toutes professions, créèrent leurs propres réseaux pour se rencontrer et s'enrichir mutuellement.

Au Siècle des lumières, les révolutionnaires français avaient supprimé les universités et les collèges, trop imbus de l'esprit des humanités classiques. Ils voulaient un enseignement rénové par les savants, intégral et contrôlé. Le savant révolutionnaire, Condorcet, proposa, lui, un système d'enseignement "indépendant de la puissance publique", mais il ne fut pas suivi. Puis on eut l'université napoléonienne, et les grandes écoles d'ingénieurs, peu dotées d'autonomie.

Le 19e siècle de l'industrialisation révéla de nouveau l'écart entre la pratique universitaire et l'évolution des connaissances qui étaient enseignées en dehors d'elles. A la fin du siècle, un édit royal ordonnait une enquête sur la "scandaleuse torpeur des universités de Cambridge et d'Oxford". En France, l'enseignement supérieur est resté en crise profonde, et on n'essaya pas vraiment de le réformer. L'Ecole polytechnique formait les élites scientifiques, et, une fois de plus, on créa de nouveaux établissements modernes en dehors de l'université. Il a fallu attendre une loi de 1896 pour créer, au dessus des facultés, une véritable université, dotée de ressources propres, sinon d'autonomie vis-à-vis de l'Etat, qui subsista jusqu'en 1968.

En Allemagne, C. McClelland (1980), a bien montré que l'Etat a finalement arbitré les conflits d'autonomie entre la ville et l'université, et qu'il a imposé sa direction bureaucratique "éclairée". Mais, d'une façon tout à fait remarquable, les professeurs résistèrent à une orientation qu'ils jugeaient trop utilitaire des études, et ils organisèrent ces fameux "séminaires" qui fournirent le modèle du wissenschaft et de l'université humboldtienne. Freiheit und Einsamkeit (liberté et solitude) ont nourri la culture des institutions universitaires allemandes jusqu'à nos jours.

Mais l'évolution de nos société après la guerre a poussé à une réinsertion des universités dans le siècle. Dans les années 1960, après les émois sévères des étudiants, et le renforcement des contraintes budgétaires et du chômage, presque toute l'Europe occidentale a réorganisé par la Loi, ses universités: formation de masse, préparation à l'emploi, participation démocratique et une autonomie plus responsable.

Puis dans les années 1980-1990, la priorité stratégique a été accordée à la qualité des études et des recherches, à l'évaluation, au développement de partenariats, et à l'internationalisation. Aujourd'hui, la rapide démocratisation des études a conduit à une forte augmentation des effectifs étudiants: en France les effectifs ont augmenté de 25% depuis 1988.

Le marché européen de l'emploi, comme les perspectives de l'intégration européenne, requièrent également une véritable stratégie d'européanisation des enseignements supérieurs, une large ouverture des études aux adultes et un recours systématiques aux nouvelles technologies d'information (voir Memorandum sur l'Enseignement supérieur dans la CEE, 1991). Ce sont là des contraintes stratégiques pour tous les établissements.

Ainsi il est clair que l'autonomie n'apparaît socialement justifiée que dans les choix, propres à chaque établissement, qui répondent à ces contraintes. Elle n'a de signification que dans la pratique stratégique. Faute de politique propre, les orientations pourraient être imposées de l'extérieur, et il lui faudrait compter avec des influences externes efficaces. Mais, dans tous les cas une université reste toujours soumise à une contrainte stratégique prééminente, qui est liée à ses missions scientifiques et culturelles de base, pour la formation générale des esprits et le progrès des connaissances. Toute faiblesse sur ce plan entraînerait une dégradation irrémediable de son autonomie.

La relativité de l'autonomie universitatire

L'autonomie, et sa pratique, est autant protégée par les statuts que par les normes, les valeurs et les règles de conduite acceptées au sein de la communauté académique. L'existence d'un esprit de communauté chez les participants d'une université renforce ses normes. Or, aujourd'hui, les facteurs de différenciation de ses activités et les forces centrifuges qui s'exercent sur ses membres, aussi bien enseignants qu'étudiants, entraînent une certaine désintégration, qui pose des défis à son autonomie.

On peut penser en effet que ces normes, qui se traduisent de façon évidente dans l'organisation, le fonctionnement, l'image, les services rendus, les liaisons, etc., sont plus faciles à conserver lorsqu'existe une certaine homogénéité des objectifs, des participants et des activités.

Les études professionnelles et la recherche appliquée exigent des normes plus proches de celles des milieux professionnels, qui qualifient l'exercice de l'autonomie d'une manière spécifique. Les normes en vigueur dans des premiers cycles d'études nombreux et diversifiés, ne peuvent être totalement identiques à celles des cycles supérieurs ou de formation par la recherche.

Ainsi lorsque l'université doit fortement se diversifier, il lui faut gérer des normes elles-mêmes différenciées, qui s'influencent mutuellement, sans nécessairement renforcer la cohérence d'ensemble. La gestion de l'autonomie devient plus complexe, sinon moins exigeante: elle passe par des structures diverses et des partenariats divers, qui engagent une nouvelle dynamique des normes.

Certains pensent qu'après tout, l'*anarchie organisée*, la *multiplicité* et l'*ingouvernabilité* de l'université sont peut être le meilleur garant de son autonomie. Mais ceci est un autre débat qui cadre mal avec les idées d'autonomie et de stratégie institutionelles qui on inspiré ces remarques.

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Human Rights and Academic Freedom

Colin WARBRICK

La question de la liberté académique et des droits de l'homme y est abordee à partir d'une perspective limitée - l'enseignement des et le recherche relative aux droits de l'homme. Toutes les revendications concernant la liberté académique ne relèvent pas des droits de l'homme, certains d'entre elles étant l'expression de l'intérêt d'un groupe - les universitaires. Afin de mieux cerner l'enjeu du problème, l'auteur examine à fond et jusque dans les moindres détails ses aspects juridiques, en analysant des documents internationaux tels que la Loi Internationale sur les Droits de l'Homme et la Convention Européenne des Droits de l'Homme. Dans le même esprit, il s'arrête sur le droit a l'éducation et sur la liberté d'expression, en illustrant les approches théoriques par des examples concrets. La promotion de la liberté académique peut passer par l'établissement d'une liste de droits estimés fondamentaux par la communauté universitaire, soucieuse d'affirmer sa foi en un enseignement supérieur d'élite, libre de toute entrave extérieure.

Introduction

Following the events of recent years in Europe, nobody can deny the power of the political idea of human rights to mobilize people effectively to overcome apparently immovable material forces. The mobilizing force, indeed, has not been limited to human rights, but has included democracy, the rule of law, as well as the market, all in proportions that will never be disentangled, but the formidable power of which has been manifested. This very potency brings with it a danger that these ideas may be made to carry more than they can bear. Appeal to the political idea of human rights will not solve all political problems. It does not purport to be a comprehensive scheme, nor is the political idea of such detail that it will serve as a practical tool of government.

One understands why people with pressing claims want to enlist the moral weight of the human rights idea to ensure their priorities but the more claims that are admitted, the more that special moral ingredient is diluted. The temptation to expand the list of human rights is particularly marked as they become reduced to legal standards. This step is necessary to achieve the degree of precision necessary to make the political idea a practical tool, to produce a coherent "fit" of the not always fully compatible rights and to provide mechanisms for their protection. What is the harm in adding one more right to a catalogue produced by political will rather than by philosophical speculation? One kind of harm to be particularly guarded against is the capturing of the universal idea of human rights by special interest groups. Politicians, journalists, priests, and professors all have important claims by reason of their callings, but these are not human rights.

This article is narrow and cautious.[1] It looks at the matter of academic freedom and human rights from a confined perspective, that of the teaching of and research in human rights. It proceeds on the assumption that not all, perhaps not many, of the claims of academic freedom are claims of human rights but rather claims, albeit important and deeply felt, of a special interest group, the university academic staff.

To claim that human rights constitute a demanding subject both for teachers and students is not special pleading. As a subject, it is relatively new and is still developing rapidly. It lacks the stability of tradition characteristic of better-established fields. In fields other than law, human rights is a subject which is difficult and complex, particularly in the field of political philosophy in which attempts must be made to provide convincing answers to such fundamental questions, as "what are human rights?", meaning, "what are they like?" as well as "what rights are human rights?"

Lawyers, to some extent, have been able to short-circuit some of these ultimate complexities by concentrating their enquiries on the expanding body of international human rights law and practice. Not the least of the paradoxes about the law of human rights is that a satisfactory field study can be isolated in positive law, however much the origins of the idea carry with them some notion of "super-law". Within their discipline, however, the demands on human rights lawyers are wide. They are expected to explain the legal provenance of the rules, itself a general problem of international law,[2] to give a convincing account of the reasoning which supports the interpretation of the generalities of constitutional texts, itself a general problem of constitutional law,[3] to have a rough grasp of the whole range of legal subjects in a variety of legal systems in which human rights questions present themselves, and to explain to and defend the whole enterprise against critics whose scepticism takes a variety of forms, from doubts about the efficacy of international law,[4] to disbelief with regard to the objectivity of constitutional adjudication.[5]

International human rights law

Lawyers should be careful with regard to history and philosophy. Suffice it to say that the modern ideas of human rights find their origins in the claims which emerged in various forms in the seventeenth and eighteenth centuries, that there are secular, rational restraints on the exercise of public power. These claims of rights against authority were given practical expression in the constitutional arrangements adopted in France and in the United States. Although the idea of a higher law which protects fundamental individual interests inspired both schemes, the catalogue of protected rights and the institutions for their protection were different in each system. It is one aspect of positive human rights law that it will vary from society to society in its details. Its moral priority, reflected in the entrenched protection of the different lists of rights, unites the various systems of human rights law.

If national systems of fundamental rights varied, some systems chose not to have any at all, believing rather in the deliberations of a responsive legislature or in the orders of an enlightened political élite to determine the interests of the people and to move for their protection.[6] National legal orders grew apart. Some were demonstrably less effective in securing individual rights than others, and the existence of a bill of rights was by no means a guarantee of a superior record in this respect. The disastrous experience in Germany in the 1930's and during the Second World War convinced many people that the protection of individuals could not inevitably be left to their national political and legal systems. The demonstration that a government apparatus could be used with the direct object of violating the most basic rights of vast numbers of people was the phenomenon which drove the creation of the international law of human rights. While it may be true that there are random antecedents for the protection of human rights in international law, such as the slave trading treaties and the treaties of the inter-war years regarding minorities, only after the Second World War with the adoption of the United Nations Charter did a coherent idea of international human rights law emerge.[7]

The characteristic of this body of law is that it creates obligations for States as to how they must treat individuals in general without regard to their nationality or status.[8] The central thrust of these duties, however, extends to those persons who are the nationals of the given States. The profundity of this development for the international legal system can hardly be exaggerated. In the last half century, one of the longest established tenets of the international legal system, that the treatment by a State of its own citizens was a matter exclusively reserved to its domestic jurisdiction, has been overthrown.[9] The international legal system is still adjusting to the change. The mechanisms for the implementation of human rights law are manifestly inadequate. The relationship between the roles of national legal systems and the international legal order in furthering human rights continues to evolve. The old idea of the State as the single and discrete actor in the international system has given way to the idea of the State divided into its component parts: the government and the people.

Students naturally focus on the imperfections of the protection of human rights in the modern world. Successes are viewed as coincidences;

failures, as proof of the futility of the whole enterprise. Descriptions of what has been achieved since 1945 in terms of standard-setting, monitoring, technical assistance, and even coercion, appear academic and even hypocritical set against the realities of everyday political life. Our first obligation as teachers of human rights is to convey a sense of achievement, to explain that the whole process is still new, that it is ongoing - that the glass is half-full rather than half-empty, and is still being filled. It is a process which embraces a great deal of concentrated practice, solidarity against oppression, the allocation of increased resources to human rights protection, and imaginative innovation in the light of experience to match that which has inspired developments so far.

The European convention on human rights

To issue clarion calls for a crusade for a better world is no longer sufficient. The missionary zeal of the pioneers of the international human rights movement was expressed in a call for change. Some change has been accomplished. Catalogues of rights and international institutions exist.[10] States do not openly dispute the general value of human rights, even if they do occasionally resist the conclusion that their own human rights record is a matter of international concern. A more orthodox obligation which now arises for lawyers with respect to these new conditions is to encourage technical understanding of the content and the limitations of human rights. What rights are protected and how may they be protected both within the domestic legal system and at the international level?

Nowhere is this approach more appropriate than within the context of the programmes for the protection of human rights of the Council of Europe. Chief among these programmes is the European Convention on Human Rights.[11] It constitutes a working system including laws, a court, and judgments susceptible to legal analysis and explanation. In this context, the day-to-day techniques of academic and professional lawyers seem to be appropriate instruments, at least as much as stirring calls for reform.[12] "Day-to-day" techniques might not be quite the right way to phrase it. After John Marshall had insisted that the legal character of the American Constitution was what made it a suitable instrument for judicial interpretation,[13] he soon came to observe that it was law of a peculiar stripe: "we must not forget that it is a Constitution we are expounding".[14] The distinction between law and policy is obscured when courts are called upon to interpret the general and, hopefully, enduring language of a constitution. The same situation arises when they are confronted with a bill of rights. One cannot acceptably flip a coin to decide the hard cases: is beating "degrading punishment"?[15] Are telephone conversations "correspondence"?[16] What is "necessary in a democratic society"?[17] What is "strictly required by the exigencies of the situation"?[18]

And yet the language of the text will not resolve itself. Judges must develop some general theory based on the values they discern within or behind the text which will provide a plausible answer to a particular question and a coherent series of answers to several questions.[19]

An additional difficulty arises with regard to the Convention. Although it calls for a constitutional approach to its interpretation, it is an international treaty. The decisions to be reviewed are the decisions of sovereign States. Their commitment to the Convention regime, legally at any rate, is contingent on their continuing to find it acceptable. The social, political, and economic conditions across the European States are more varied than those across a federal State, such as Canada or the United States. The Court and the Commission have recognized that the Convention has a "subsidiary" role in the protection of human rights, subsidiary that is to the national legal systems.[20] Not only do the institutions sometimes defer to the decisions of the national authorities, but they have accepted that the Convention is a limited instrument, leaving vast areas of State activity outside its purview.[21]

The most important doctrine which recognizes the subsidiary quality of the Convention is the so-called margin of appreciation, a form of judicial abstention which the Court regards as pervasive throughout the interpretative process.[22] While reserving the right to review provisions of national constitutions, legislative enactments, and final judicial decisions against the standards of the Convention, the European Court has conceded that the States have a margin of appreciation in assessing what the Convention requires, a discretion with which the Court will be slow to interfere, if it is exercised taking the values protected by the Convention into account. Most common among the provisions with respect to which the Court relies on its margin of appreciation is the requirement, expressed in several articles, that interference with a protected right must, *inter alia*, be "necessary in a democratic society".

The convention and democracy[23]

The preamble to the European Convention on Human Rights asserts the "profound belief" of the parties

> in those Fundamental Freedoms which are the foundation of justice and peace in the world and are best maintained on the one hand by an effective political democracy and on the other by a common understanding and observance of the Human Rights on which they depend ...[24]

The First Protocol to the Convention contains the single provision which deals specifically with the political process. According to Article 3,

> The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot which will ensure the free expression of the opinion of the people on the choice of legislature.[25]

In the Mathieu-Mohin case,[26] the Court declared that this Article was of "prime importance in the Convention system";[27] however, that case is the only one involving Article 3 to have reached the Court, and only a few cases have ever reached the Commission. Although this situation might be interpreted as speaking well of the electoral systems of European countries, it also reflects the rather narrow reach of Article 3. While it lays down a mechanism for the election of legislatures, it tends to assume that compliance with it will produce an assembly which will represent the "free expression of the opinion of the people". The Commission has not been inclined to investigate whether or not this assumption holds true, say, for the British "first past the post" voting system, nor has it been persuaded that different voting systems in different parts of the United Kingdom in the same election involved a breach of Article 3, at least in conjunction with Article 14, the non-discrimination provision.[28] In Mathieu-Mohin, the Court stated that Article 3 did not require "that all votes must have equal weight as regards the outcome of the election or that all candidates must have equal chances of victory".[29] Likewise Article 3 does not commit States to any particular form of political organization, neither representative nor direct democracy, neither separated powers nor parliamentary government.

States have argued that Article 3 confers no rights on individuals, pointing to its specific language of obligation for the States rather than of rights for individuals. The Court has rejected this argument. From the point of view of the individual, Article 3 "implies essentially... the principle of equality of treatment of all citizens in the exercise of their right to vote and their right to stand for election".[30]

The narrow reading of Article 3 has switched attention to other provisions of the Convention. Article 10 gives strong protection to political expression, which, of course, includes electoral addresses.[31] The Commission has indicated that Article 10 may contain positive obligations on the part of States to secure fairness for political parties in matters such as access to the media but, so far, it has been hesitant in condemning specific arrangements in any State.[32] Public campaign financing is compatible with Article 3,[33] but the issue of private contributions will arise, if it arises at all, under the Convention, under Article 10. As recent American writing has suggested, the fairness of electoral campaigns is one of the most pressing of freedom of expression issues, one that does not yield easily to the traditional liberal analysis of the nature of rights of expression.[34] The right to form political parties is covered by Article 11, and the right of the latter to campaign is an aspect of both Article 11 and Article 3. The control of the objectives and the campaigning methods of political parties is an issue to be decided under Article 11(2). However, in the most prominent case, it was dealt with under Article 17 when German legislation prohibiting the German Communist Party was sustained under that provision. The Commission decided that the averred objectives of this Party would inevitably bring it into conflict with the rights of individuals guaranteed under the Convention.[35]

Restrictions on the rights guaranteed by Articles 10 and 11 must, amongst other considerations, be "necessary in a democratic society". The institutions have given more clues about what they understand to be the nature of democratic society when they have faced this kind of question than when they have elaborated electoral or political rights. In announcing a robust view of the value of freedom of expression, the Court stated that the characteristics of democratic society were "pluralism, tolerance, and broadmindedness".[36]

In particular, the Court did not submit to blind majoritarianism as the overriding quality of democracy. In Young, James, and Webster, the Court stated that

> Although individual interests must on occasion be subordinated to those of a group, democracy does not simply mean that the views of the majority must always prevail: a balance must be achieved which ensures the fair and proper treatment of minorities and does not involve any abuse of a dominant position.[37]

This feature is crucial to the Court's approach. It cannot lay down full constitutional arrangements and electoral systems for the member States in the absence of a clearer mandate in Article 3. While the Commission has indicated the possibility of intervention in the electoral process in situations of government-inspired unfairness, it has not done so in practice.[38] The democratic process has hardly been touched by the Convention, but its products have. Striking down is easier for a court than building up. The insistence that the majority must be tolerant and broadminded has been an important principle for the Court.[39] The Convention is principally concerned with the substance of democracy rather than with its mechanisms.

Academic freedom and human rights

Neither university teachers nor university students,[40] nor would-be students,[41] nor the Universities themselves may, by reason of their status alone, claim human rights in the classic sense. They have "the rights of all men, at all times",[42] and claims of particular groups are the antithesis of human rights. However, in the positive law of human rights, a particular society may choose to confer fundamental rights on some individuals because of the positions they hold. Article 5(3) of the Basic Law of the Federal Republic of Germany provides that "Art and learning, research and teaching are free. The freedom of teaching does not release one from loyalty to the Constitution".[43]

In situations in which no specific guarantees of academic freedom exist in the constitutional scheme, the status of an individual as professor or student may, nevertheless, be a good reason why the State should be particularly constrained in interfering with his rights. The right to freedom of expression in the European Convention is no greater for politicians or journalists than for other persons in society, but the extent to which the State may legitimately interfere with their rights under Article 10(2) should take account of the role which each of them plays.[44] Similar considerations are applicable to members of universities.[45]

The right to education[46]

The European Convention contains no specific provision for academic freedom or for access to higher education. In principle, however, the 1st Protocol of Article 2 applies to higher education. It reads as follows:

> No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

The bulk of the practice has concerned primary and secondary education. The last sentence is not directly applicable to higher education, and the first, if it were to imply a right of access to higher education for everyone, would have profound consequences for university systems.[47]

The Court and the Commission have recognized that the State will be directly involved in education, as a provider, as a regulator or licensor of private institutions, and as a validator of qualifications obtained in the education systems.[48] However, Article 2 does not mandate any particular form of educational system, and there is no "European" model of higher education which could be relied on by the Court.[49]

The Belgian Linguistics case established that government regulation of education must not affect the right of the individual to benefit from the essence of whatever educational system the State provides or tolerates. However, some government participation must occur. As in many areas of modern life, what is wanted is for the State to provide the resources for a particular activity (in the public interest) but to leave the use of its resources free from its control (also in the public interest). The State is asked to provide the money for art galleries, but it is requested to leave the choice of paintings to the gallery directors. The State is asked to provide the resources for universities but to leave the choice of staff to the university and the choice of subjects taught to the staff. What is the basis for this schizophrenic attitude? It comes from recognition of the need for patronage if certain valuable activities are to flourish but also from understanding that partisan patronage diminishes or obliterates any value the supported activity might have. Art, according to the canons of the Party, and teaching, according to the tenets of the government, are unlikely to be of much value. Indoctrination, that is efforts on the part of government that students be inculcated with its version of the facts and its opinions are of no general value. Academic freedom states that teaching is the job of the staff.[50]

In Kjeldsen[51] (which was a primary education case), the Court gave judicial sanction to this idea. The Court stated that Article 2 was aimed at safeguarding pluralism in education, a necessary condition for the preservation of a "democratic society". "In view of the power of the modern State it is above all through State teaching that this aim be realised".[52]

The Court went on to declare that the State was forbidden to pursue a policy of indoctrination. "Knowledge must be conveyed in an objective, critical, and pluralistic manner", consistent with "the general spirit of the Convention itself, an instrument designed to maintain and promote the ideals and values of a democratic society".[53]

These observations, as must be reiterated, were made in a case concerning primary education and were addressed to the problem of assuring that children were educated in accordance with the religious or philosophical convictions of their parents. The case cannot therefore apply directly to universities. May they apply at all? One finds, running through Kjeldsen, an understandable but hardly articulated notion of unimpeachable knowledge (and possibly, opinions) to which no objection might reasonably be made. The problems arise beyond this core. In the universities, the idea of the received core may be less readily received. Pluralism, in the sense of telling students that there are other views, is one thing, but most university teachers would envisage that academic freedom means being able to insist that one view, the view best supported by argument or evidence, is the right view.[54] Of course, such a position depends on their being such a one view. Some issues, however, are intractable. Even well-established positions must be subject to constant review in the light of new evidence and new arguments. What the student should be provided with is the apparatus to challenge the best view; he should even be encouraged to challenge the best views, but he should not be under any illusion that there is *one* best view. The best view may be that human rights are the first priority of governments and that the Convention represents the best view of what human rights are for European States. What is crucial is that the academic stance be supported by recognizably adequate evidence and method, that it be the product of a competent academic. Many of the text-book examples, the flat-earth geographer, the creationist biologist, the holocaust-denying modern historian, are easily resolved at the level of competence.[55]

Individual staff members, however, are not simply faced with external threats from the State. They may be confronted with institutional challenges, that the confessional or ideological stand of the university mandates some and excludes other points of view. A convincing case may be made even that monolithic universities should, in their own interest, tolerate a wide degree of competent academic opinions.[56] Whether or not one regards the confessional university as "really" a university (and, therefore, according to the Belgian linguistics case, entitled to the public recognition of its diplomas) is not to be determined in the abstract.[57]

In what is undoubtedly a difficult enquiry, some help may be gained by consideration of the impact of other Convention standards, in addition to the education article.

Freedom of expression

Because academic freedom without the right to publish and expound the results of research is an empty idea, freedom of expression is of central importance. As in most significant freedom of expression matters, the controversial or unpopular academic idea needs protection; however, there is no threat to orthodoxy. According to the Convention scheme of things, the State (and its university authorities) must demonstrate a "pressing social need" for interference with academic expression. Not all controversial or unpopular opinions can be dismissed as being the result of incompetence. Research which embarrasses the government by demonstrating the futility of its policies or which annoys judges by demonstrating the incoherence of their reasoning will be unpopular, but it need not be incompetent. Critical legal theory may be controversial in the formal law school; liberation theology, in the orthodox divinity school; but neither need be incompetent. There may be clear cases in which the State may be entitled to bar the publication of competent academic work - when it endangers national security or when computer research puts private security systems at risk, but competent unpopularity or controversy is generally not reason enough for its doing so.[58] Would such justification ever be acceptable? The matter was touched upon indirectly by the Commission in the Glasenapp and Kosiek cases.[59] Kosiek was an experienced physics teacher in further education. He was seeking a permanent appointment. Glasenapp was a young kindergarten teacher in her probationary period. He was an active member of the NPD, a neo-fascist party, although this involvement was not as great as when he had been an elected member of the Land Diet for the party. He was the author of political tracts, strongly anti-marxist and in favour of policies of racial superiority. Glasenapp lived with some members of an international marxist group which the authorities identified with the KPD. She had written a letter to certain newspapers expressing support for a kindergarten project promoted by the group. He was dismissed from his probationary position after extensive hearings rejected his affirmation of allegiance to the constitutional order as insufficient. She affirmed her allegiance to the Basic Law, but the school board required an express disclaimer that she supported the policies of the KPD. When she refused to provide one, her appointment was terminated, a decision confirmed after extensive review. In neither case was the suggestion made that the (alleged) political opinions of the persons involved had any affect on the performance of their teaching.

By 9 votes to 8, the Commission held that there had been a violation of Ms Glasenapp's right to freedom of expression under Article 10 of the Convention. The Commission's opinion turned on the question of whether or not the dismissal of the applicant, which was the interference with her right, was "necessary in a democratic society" for the protection of national security. The majority noted that the expression about which complaint was made, although about her appointment, was not made in the course of it. The project which she had commended was not unlawful. Most significantly, when examining the loyalty procedure, the Commission stated that while it was not uncommon for civil servants to accept restraints upon their right of expression,

> ...this duty is frequently dependent upon the nature of the functions performed by the employee in question. By contrast the present restriction applied on the applicant's opinion because she was a civil servant and no qualification of the condition appears to have arisen from the fact that she was a teacher, rather than a senior executive in a sensitive Ministry, or an unskilled worker employed in the public sector.[60]

The recent history of Germany accounted for the blanket system of loyalty oaths for civil servants. The Commission concluded that the application of the loyalty oath in this case was disproportionate to any need to protect national security. Insufficient regard had been paid to the value of freedom of expression, which had been exercised by Ms Glasenapp wholly outside her professional environment.

The history of Germany loomed large in the disposition of Kosiek's claim. The Commission, by 10 votes to 7, found no violation of the Convention. There was evidence of far more involvement by Kosiek in political activities, both quantitatively and qualitatively, than was available about Ms. Glasenapp. Furthermore, his views "[might] well be regarded as a threat to the basic assumptions of democratic states which underlie the principles of the Convention".[61] Here, the Commission concluded, the interference with Mr. Kosiek's freedom of expression was proportionate to the need to protect national security.

Unhappily, the Court dismissed both claims on the same peremptory ground that each applicant was seeking a public service job rather than vindication of his and her right to expression. Since the right of access to the public service is not protected by the Convention, there was no violation in either case.[62] The shortcomings of this judgment are apparent.[63] But what if the Court had followed the line of analysis of the Commission, even if it had not endorsed its actual findings? Can we find any protection for an essential ingredient of academic freedom there? It is worth considering this question because the judgment has been so widely criticized and because some of the factors on which the loyalty oath procedure was based and which were recognized as relevant by the Commission - the communist threat from the east and the division of Germany - no longer obtain.[64]

Any conclusions must be contingent. In neither case were the professional publications or teaching of the applicants issues. In most cases, these will be the crucial questions, not the extra-curricular opinions of university teachers. The indications are that the Commission would not have been alert to protect academic expression. Kosiek was a teacher at higher education level. The opinion expressed by the Commission is, at best, ambiguous:

> The Commission takes account of the importance to be attached to the opinion and influence of lecturers who, in a free society, have a key role in the development and dissemination of ideas. In the present case, the applicant was a lecturer some of whose students may have been at a stage of intellectual development when their vulnerability to indoctrination is a factor which cannot be ignored. In those circumstances, the applicant was subject to special duties and responsibilities in relation to his opinions and their expression, both directly at the college and to a lesser degree, as a figure of authority for students at other times. This responsibility is highlighted by the applicant's considerable political experience and the inevitable notoriety that this will have generated. While this environment imposed special duties on the applicant, his job as a lecturer equally imposed special responsibilities on his employer to ensure the free exchange and development of ideas in the context of freedom of expression within the college, since over-protection from one form of indoctrination may constitute indoctrination of another kind.[65]

One can make as much or as little of this opinion as one wishes. The recognition of the special position of academic expression and the corresponding obligation of the authorities to facilitate it is welcome. Any university teacher will acknowledge the associated responsibility - that his academic opinions, whether expressed in research publications or in his teaching, must be founded on the best academic methods he can achieve. Of course, there are difficulties: the performance dimension of lectures, the provocative stance deliberately taken to stimulate student responses, the willingness to push the authorities as far as they can go to support particular propositions, all carry the risk that they will look like indoctrination to more circumspect souls, but there is language here that suggests that the university may not interfere with, and indeed should protect, these ambitions. But, and even though no evidence was adduced to support such a suggestion against Dr. Kosiek, the Commission raises the spectre of the manipulative Svengali, seducing susceptible students by the power of his reputation. Most academics would wish that they had this formidable quality. For the majority of them, where they do not encounter indifference, they are used to scepticism - and so they should be. There are few Pied Pipers in academe; however, those who are present might, it seems, seduce their followings by the power of their arguments as much as by the content of their messages. Where the message alone persuades, it is because it is what the student consumers want to hear, whether it appeals to the undeveloped idealism of some, or the well-developed instrumentalism of others. Academics do not encounter very many of the vulnerable students as imagined by the Commission.

In the end, what distinguishes the conclusion of the Commission about Kosiek from that about Glasenapp is the message that each person was conveying. Glasenapp's was merely unpopular. Kosiek's was controversial. The reference of the Commission to Article 17, other Commission decisions, and the obligations that States have under Article 20 of the International Covenant, all point in the direction of expression which may be interfered with by reason of its content alone. Notwithstanding the Covenant, the explanation is derived from the history of Europe.[66] In Europe, unlike in the United States,[67] faith in Mill's hopes for the triumph of truth over falsehood,[68] in the proper outcome of Holmes's free marketplace of ideas, has been tempered by experience. As in the real economic market, we know that we cannot always wait for the long run when truth will prevail, for in the long run, many were dead. While what we have here is the victory of pragmatism over principle, we must be ever alert that pragmatism does not overwhelm principle. There are two considerations to which regard must be paid: restrictions on the propagation of ideas (sentiments perhaps is a better way of putting it) in the public sphere directed against demagogic politicians or abrasive hooligans ought not to be extended automatically to the cooler deliberations taking place in the universities (the marketplace in ideas is surely purer there[69]), and the badge of pariah subject-matter should be awarded sparingly, both inside and outside the universities. The author, for one, would not welcome the export of the political correctness movement from the United States to Europe because an important principle is at stake,[70] the great test of the human rights idea. It is a question of how far claims of tolerance for information or ideas which offend, shock, or disturb the State extend to those which challenge the validity of the human rights idea. It is worth stating once again how new the idea of international human rights is and how many difficulties stand between its articulation and its universal implementation. The acceptance of human rights as given, being as natural as gravity, as uncontroversial as the scoring rules in football, does no service to the power and complexity of the idea. It needs constant elaboration and refining. Its practical as well as its theoretical limitations need to be addressed. The ultimate responsibility of those who teach human rights in universities is to maintain the same critical standards about the idea of human rights as they do about other patterns for the organization of society, the same critical evaluation of the judgments of the European Court of Human Rights that they apply to the decisions of national tribunals. Keeping the human rights ideas, as well as its mere details, under constant critical scrutiny is the price to be paid for being able to say that it is the "best view". In the universities at least, tolerance and broadmindedness should extend to carefully crafted criticism of the most warmly and widely received of ideas. It is not "necessary in a democratic society" to restrain competent criticism.

Conclusion

Although this article has said a great deal, it has left a great deal unsaid. That, of course, is the point. Human rights considerations, while an essential condition of academic freedom, are by no means a guarantee of it. Appointments, promotions, tenure, resources for teaching and research, opportunities for publication, fair and accessible procedures, proper management structures within institutions which can superintend efficiency of performance without interfering with what is performed: these are the stuff of academic freedom, but they are not the stuff of human rights. The idea of human rights might be enlisted in the furtherance of the promotion of academic freedom in the way indicated by the Lima Declaration: the establishment of a list of rights (and in some cases, permissible limitations on rights) regarded as fundamental by the academic community. The difficulties of the undertaking should not be underestimated if it is to proceed beyond platitudes: there is no natural idea of the university on which to draw, no uniform model on practice. Threats to academic freedom come from a variety of directions, including some from within academe itself. If academic freedom is worth promoting, it is worth doing so not simply to draw the line beyond which management becomes interference; idiosyncrasy, incompetence; or enthusiastic student participation, disruption. It is worth promoting because the State does not have to be the patron of free enquiry and disinterested scholarship. Indeed, in Europe, the State is showing an increasing disinclination to be such a patron. The economic State might find some reason to support mass training, less to put up money for élite education. A statement of academic freedom related to the reasons for it ought to be something on which the whole university community could unite. And the task of trying to persuade taxpayers and voters that more and better knowledge is a good worth pursuing and that there will be more and better knowledge if the university sets its agenda and recruits those it sees as best able to carry it through, can begin. The enterprise is worthwhile in itself. Although the row may be hard to hoe, if it is not hoed, then articles of this kind will be, in the worst sense, academic.

Notes and References

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5. P. BREST, "The Fundamental Rights Controversy: the Essential Contradictions of Normative Constitutional Scholarship", Yale L.J. 90 1063 (1981); and J. BALKIN, "Deconstructive Practice and Legal Theory", Yale L.J. 96 743 (1987).
6. A.V. DICEY, The Law of the Constitution (4th ed. 1893), Ch.4.
7. H. LAUTERPACHT, International Law and Human Rights (1950).
8. On the need for international action to protect human rights, see R. VINCENT, Human Rights and International Relations (1986); for international legal action, see L. Henkin, "International Human Rights as 'Rights'", in J. PENNOCK and J. CHAPMAN, eds., Human Rights (Nomos 23, 1981).
9. R. LILLICH, The Human Rights of Aliens in Contemporary International Law (1984), Ch. 2.
10. T. FARER, "The United Nations and Human Rights: More than a Whimper, Less than a Roar", in A. Roberts and B. Kingsbury, eds., **The United Nations in a Divided World** (1980), p.94; O. Schacter, **International Law in Theory and Practice** (1991), Ch. 15.
11. European Convention on Human Rights (1950) and 10 Protocols. If the author concentrates on the Convention, it is for reasons of space and not out of disregard for the other human rights programmes of the Council of Europe for which the reader should consult A. Drzemczewski, "The Work of the Council of Europe's Directorate of Human Rights", H.R.L.J. 11 89 (1990).
12. Cf. P. ALSTON, "Conjuring up New Human Rights: a Proposal for Quality Control", A.J.I.L. 78 607 (1984). This is not to say that the need for innovation has disappeared, as Professor Alston's own work on improving the means for the protection of economic and social rights shows.

13. Marbury v. Madison in Cranch, vol.1, p.137.
14. McCulloch v. Maryland in Wheat, vol. 4, p. 314.
15. European Convention, Article 3, Tyrer v. UK A/26 (1978).
16. **Ibid.**, Article 8, Malone v. UK A82 (1984).
17. **Ibid.**, for example, Article 10(2), Sunday Times v. UK A/30 (1979).
18. **Ibid.**, Article 15(1), Lawless v. Ireland, A/3 (1960).
19. P. CRAIG, **Public Law and Democracy in the United Kingdom and the United States** (1990).
20. Sunday Times v. UK A/30 (1979), para. 59.
21. The most significant limitation is that the Convention is confined to civil and political rights; economic and social rights are covered by a quite different regime under the European Social Charter, in regard to which see D. HARRIS, **The European Social Charter** (1984).
22. R. MACDONALD, "The Margin of Appreciation in the Jurisprudence of the European Court of Human Rights", in International Law at the Time of its Codification: Essays in Honour of Roberto Ago (1987), p.187.
23. This topic is, to put it mildly, quite large. See Council of Europe, Democracy and Human Rights (1990); A. ROSAS, "Democracy and Human Rights", in A. ROSAS and J. HELGESEN, eds., Human Rights in a Changing East-West Perspective (1990), p. 17.
24. The Statute of the Council of Europe reinforces these propositions, see Preamble and Article 3; see also Charter of Paris for a New Europe (1990), Cm 1564.
25. See P. van DIJK and G. van HOOF, Theory and Practice of the European Convention of Human Rights (2nd ed., 1990), pp. 478-488.
26. Mathieu-Mohin and Clerfayt v. Belgium A/113 (1987). See A. DRZEMCZEWKI and C. WARBRICK, Yb. E.L. 7, pp. 371-375.
27. X v. UK, No. 7140/75, 7 DR 95.
28. Lindsay v. UK, No. 8364/78, 15 DR 247.
29. Above, n. 26 para. 54. It has been argued in the United States that the protection of the fairness of the electoral process for legislatures is one of the least problematic areas of judicial review; see J. Ely, Democracy and Distrust (1980), Chs. 4 and 5; however, the European Court does not seem to be so persuaded.
30. Above, n.26, para. 54.
31. Lingens v. Austria A/103 (1986), para. 41; Obserschlick v. Austria, A/204 (1991).
32. X + Z v. UK, No. 4515/70 38 CD 86; see A. BOYLE, "Political Broadcasting, Fairness and Administrative Law", PL (1986): 562.
33. X v. Germany, No. 8227/78, 16 D.R. 179.
34. Graber, Transforming Free Speech (1991), Chs. 5 and 6.
35. KPD v. Germany, No. 250/57 1 Ub. E.C.H.R. 222.
36. Handyside v. UK A/44 (1981), para. 44.

37. Young, James, and Webster v. UK A/44 (1981), para. 44.

38. Above, n.32.

39. Dudgeon v. UK, A/45 (1981), para. 53; Muller v. Switzerland, A/133 (1988), para. 33.

40. This view is not beyond dispute as a general proposition; see Sidney Hook, Academic Freedom and Academic Anarchy (1970), p.48, which maintains that freedom to learn (Lernfreiheit) is a human right.

41. The author does not address the question of the right to be admitted to higher education because it is not a right protected by the European Convention; however, see below n.46. If such a right is regarded by a particular legal system as fundamental, the consequences for the university system are profound, see Numerus Clausus case I 33 B. Verf. GE 303 (1972) and D. KOMMERS, The Constitutional Jurisprudence of the Federal Republic of Germany (1989), pp. 294-304.

42. M. CRANSTON, What are Human Rights? (1973), p.7.

43. Although it might appear from the language of Article 5(3) that the rights in question are not subject to limitations, they may in fact be qualified by other constitutional provisions, see Mephisto 30 BVerfGe 173 (1971) and P. QUINT, **Free Speech and Private Law in German Constitutional Theory**, Maryland L.R. 48 247 (1989): 290-318.

44. Lingens v. Austria A/103 (1986), paras. 41-42.

45. These considerations are quite distinct from the protection to which an academic might be entitled against collateral disadvantage within the university by reason of the exercise of his fundamental rights outside the university, e.g. dismissal for taking part in a political demonstration, see John SEARLE, **The Campus War** (1972) pp. 175-181. Although these are important matters, the author has not dealt extensively with them here because it is unlikely that the Convention would provide much relief, see below, n.62.

46. P. van DIJK and G. van HOOF, above, n.25, pp. 467-478.

47. Cf. International Covenant on Economic, Social, and Cultural Rights, Article 11(2): "The States... recognize that, with a view to achieving full realization of [the right of everyone to education]... (c) Higher Education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education".

48. Belgian linguistics case, A/6 (1968).

49. Developments in the European Community for the assumption of standards in higher education as part of the basis of mutual recognition of qualifications may yet make a significant contribution to the establishment of common standards - "Europe" 23 and 25/26 November, in NS (1991), nos. 5615 and 5616.

50. See SEARLE, above, n.46, pp. 170-175.

51. Kjeldsen, Busk Madsen, and Pederson v. Denmark, A/23 (1976).

52. **Ibid.**, para. 50.

53. **Ibid.**, para. 53.

54. This conclusion would not, of course, be acceptable to critical theorists; see above, n.5.

55. See J. THOMPSON, "Ideology and Faculty Selection", **Law and Contemp. Probs.** 53 155 (1990).

56. C. CURRAN, "Academic Freedom and Catholic Universities" Texas, L.R. 66 1441 (1988).

57. S. KADISH, "Church Related Law Schools: Academic Values and Deference to Religion" J.Leg. Ed. 32 161 (1982). For an approach which stresses the importance of a plurality of institutions, including religious ones, as an aspect of academic freedom, see M. McCONNELL, "Academic Freedom in Religious Colleges and Universities", **Law and Contemp. Probs.** 53 303 (1990).

58. Remember, Handyside above, n.36, para. 49: Subject to Article 10(2) [freedom of expression] is applicable not only to "information" or "ideas" that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock, or disturb the State or any sector of the population.

59. App. No. 9228/80, Report 11 May 1984; App No. 9704/82, Report 11 May 1984.

60. Glasenapp, Report, para. 124.

61. Kosiek, Report para. 115.

62. Glasenapp v. Germany A/104 (1986); Kosiek v. Germany A/105 (1986).

63. See van DIJK and van HOOF, above n.25, pp 409-410; Leander v. Sweden A/116 (1987). The decisions reflect what Americans call the "right/privilege" distinction and apparently allow the State to impose any conditions for access to a benefit which it provides. For a particularly unfortunate acceptance of this argument by the European Court, see Rees v. UK A/106 (1986) para. 45. For a consideration of the role of courts with respect to the expanding functions of government, see M. CAPPELLETTI, **The Judicial Process in Comparative Perspective** (1989), Ch.1.

64. On stare decisis in the European Court, see C. WARBRICK, Yb E.L. 10 (1990): 587-593.

65. Report, para. 108.

66. See also Glimmerveen and Hagenbeck v. the Netherlands, nos. 8343/78, 8406/78, and 18 DR 187; T v. Belgium, 34 DR 158. E. STEIN, "History against Free Speech: the New German Law against the 'Auschwitz' - and other - Lies", Mich L.R. 85 277 (1986).

67. Compare Collin v. Smith, 578 F 2d 1197; Village of Skokie v. National Socialist Party of America, 373 N.E. 2d 21; and L. BOLLINGER, The Tolerant Society (1986).

68. J. MILL, On Liberty, ed. by R. McCallum (1948), Ch. 2.

69. P. CARRINGTON, "Freedom and Community in the Academy", Texas L.R. 66 1577 (1988), whose call for tolerance and civility is tempered by an assertion that some views are so incompatible with the vocation of the institution that their proponents should consider leaving it. It is easy to endorse the call for civility, harder to observe it in practice.

70. Doe v. Michigan 721 F. Supp. 852; R. SMOLLA, "Academic Freedom, Hate Speech, and the Idea of the University", **Law and Contemp. Probs.** 53 195 (1990), which puts emphasis on general constitutional law and the basis for taking action against "hate speech". In addition to restrictions on the expression of some ideas, there are other problems related to research methods (e.g. animal experimentation) and research subjects (e.g. genetic engineering) which raise the question of permissible limits on competent work.

Toward an International Standard-Setting Instrument Concerning the Status of Higher Education Teaching Personnel

Ramzi SALAMÉ

Le statut du personnel de l'enseignement supérieur n'est pas encore défini au niveau international. La tâche est ardue, car on manque de fonds et c'est un univers qui bouge sans cesse. Les bouleversements qui se sont récemment produits dans le monde risquent de s'accompagner d'un déséquilibre entre la demande de formation universitaire et le manque de formateurs, en raison d'un éventuel mais bien probable exode des cerveaux vers les pays développés. Il appartient à l'UNESCO de définir certaines normes de formation universitaire par des conventions internationales et par un jeu de recommandations faites à ses membres, dont le contenu doit être défini par des négociations.

Introduction

The second paragraph of the Recommendation concerning the Status of Teachers adopted in 1966 by the Special Intergovernmental Conference convened by UNESCO states that it "... applies to all teachers in both public and private schools up to the completion of the secondary stage of education...." This provision thus clearly establishes that the "1966 Recommendation" does not apply to teaching personnel in higher, tertiary, or third-level education, in other words, in post-secondary education.

In 1974, the UNESCO General Conference authorized the Director-General to "study the possibility of extending the Recommendation to cover all categories of teachers...." (Resolution 1.31). At the same time, the General Conference adopted the Recommendation on the Status of Scientific Researchers. Since that time, UNESCO has been seeking ways of filling the gap noted with respect to the status of higher education teaching personnel.

A number of problems have prevented the development of such an instrument and its submission to the usual process that would lead to its adoption. These problems included: (a) a shortage of resources on the part of the UNESCO body concerned, in view of its other responsibilities; (b) the lack of clarity, until quite recently, regarding the possible scope of such an instrument; (c)the problems inherent in developing such an instrument because of constant changes in the structures of post-secondary education, the diversity of national situations, and the wide range of post-secondary educational institutions even within a single country; (d) resistance on the part of Member States; and (e) reluctance on the part of the organizations concerned (International Labour Organization, World Confederation of Organizations of the Teaching Profession, International Federation of Free Teachers Unions) as regards the nature and scope of a proposed standard-setting instrument.

In order to fulfill its mission and to fully play its role in promoting "the unrestricted pursuit of objective truth, and... the free exchange of ideas and knowledge" (Preamble to the UNESCO Constitution) and in promoting the highest possible quality of post-secondary education as a positive factor for stability, development, and international peace, UNESCO is directly concerned by the status of higher education teaching personnel. Hence it is fitting, if the majority of Member States so desire, that it proceed with the adoption of a standard-setting instrument which would establish for higher education personnel, a universal framework of reference which would act as a catalyst and model.

Advisability of proceeding with the development of a standard-setting instrument

The standard-setting instrument in question would be directed at Member States of UNESCO, academic institutions, teachers' organizations, and higher education personnel.

It would meet the following needs: For Member States it would aid in the development of guidelines aimed at ensuring quality post-secondary training for their citizens and at optimizing participation by higher education teaching personnel in the scientific, economic, social, and cultural development of their countries. For institutions of higher learning, a standard-setting instrument would aid in the development of general standards. These would help to ensure the freedom of the institutions from undue interference by government and pressure groups, the stability of their personnel, and the integrity, vitality, and productivity of their staff members. For teachers' organizations, the document would contribute to the establishment of rules and regulations aimed at ensuring the following advantages for their members: freedom of association and freedom of expression; democratic participation in the development of education policies; strategic choices and academic management; job protection; proper working conditions; and opportunities for contact with the outside world, including the activities of international co-operation.

Finally, for higher education personnel, the document would aid in the development of a mechanism aimed at ensuring adequate protection of rights and freedoms; awareness of duties and obligations; proper working conditions; and access to universal thought and to the most recent scientific and technological developments.

The need for an international standard-setting instrument of this sort is more pressing now than in the past. Current international upheavals are likely to have an adverse effect on how the needs of many countries are met. These same upheavals may increase inequities among nations. The problems which will be encountered include the increased demand for higher education; shortages of qualified educators; and the continued brain-drain to the developed countries.

The new world order, however, calls for concrete action to promote democracy as a tool of development, hence the importance of a standard-setting instrument, particularly as regards academic freedom. In addition, the international organizations of the teaching profession are calling for such an instrument.

UNESCO currently has the technical competence and sufficient information to develop an acceptable standard-setting instrument. And although certain partners continue to resist the idea, the actual tenor of the resistance cannot be properly gauged until the major outlines of a draft instrument are known.

The nature of such an instrument

For reasons to be outlined below, the best form to be given to an international standard-setting instrument on the status of higher education teaching personnel is that of a Recommendation to UNESCO Member States. The four other proposed options, which include a protocol annexed to the 1966 Recommendation, an amendment or an extension to it, an international convention, or a universal declaration are less appropriate.

With regard to the protocol option, protocols are standard-setting instruments that usually follow international conventions or agreements. A case cannot be made for annexing a protocol to a recommendation.

As for amending or extending the 1966 Recommendation to cover post-secondary teaching personnel, there are valid technical and political reasons for not attempting to do so. Problems would inevitably arise in adapting certain parts of the text and incorporating provisions that take into account issues specific to higher education, for example, the requirements for research and contributions to the advancement of knowledge. Also, there would be a political risk in re-opening the 1966 Recommendation.

The international convention approach is best avoided for strategic reasons. Many states would be put off by the restrictive nature of a convention which could delay almost indefinitely the development of the final version of the instrument because it would have to be carefully scrutinized by all the parties concerned. Even if the process were to be completed, a strong possibility exists that the proposed convention would be ratified by only a few Member States. Finally, the advisability of approaching a new field of standard-setting by means of a proposal as restrictive as a convention seems doubtful.

Then there is the possibility of a universal declaration. Although the Constitution of UNESCO does not make reference to this type of standard-setting instrument, the Organization has used such instruments on a few occasions. According to United Nations jurisprudence, "a declaration is a formal and solemn instrument suitable for rare occasions when principles of great and lasting importance are being enunciated... with stress being laid on moral authority" rather than on the statutory obligations ensuing therefrom. Because of the solemn nature of such an instrument and its purely moral scope, some of the partners in the proposed standard-setting instrument might refuse to make a commmitment in this regard. Furthermore, it would be advisable to aim for parallelism with other standard-setting instruments and to adopt the same approach, previously taken for similar subjects and categories, provided, of course, that the approach has proven satisfactory.

The only promising approach is that of a recommendation to the Member States. By definition, a recommendation is an instrument "in which the General Conference formulates principles and norms for the international regulation of any particular question and invites Member States to take whatever legislative or other steps may be required... in conformity with the constitutional practice of each State and the nature of the question under consideration - to apply the principles and norms aforesaid within their respective territories" (Article 1b of the Rules of Procedure Concerning Recommendations to Member States and International Conventions). It would be up to the "Conference to decide whether a question... should be regulated at the international level and, if so, to determine to what extent the question can be regulated..." (Article 6 of the Rules of Procedure).

Following the decision of the General Conference, the Director-General would prepare a report on the quesiton and, possibly, a draft instrument, both of which would be diffused for broad consultation with Member States before being submitted to the General Conference (Parts III and IV of the Rules of Procedure). If adopted by the General Conference, each Member State would submit the recommendation to its competent authorities and report on the action taken upon it (Article IV, Para. 4 and 6 of the Constitution).

Although a recommendation does not have a binding effect on the Member States, even though it must receive a fairly broad consensus (more than half the Member States of the Organization) in order to be legal, it would provide for international follow-up according to terms and conditions which would be established by the General Conference. Also, concern for parallelism of form would be respected, since teaching personnel at other levels of education and scientific researchers are covered by similar recommendations.

In conclusion, it would be opportune for the General Conference, at its twenty-seventh session (in 1993), to study a proposal to the effect that the status of higher education teaching personnel be regulated in the form of a recommendation to Member States that would cover the issues outlined below and would follow the normal process leading to its adoption during the 1994-1995 biennium.

Scope and essential components of the proposed recommendation

The recommendation would apply to all teachers in both public and private post-secondary institutions regardless of their diversity (denomination, nature, degree of specialization or advancement, etc.) or the legal status of the teaching personnel working therein. The roles and duties of post-secondary teaching personnel are sufficiently similar in nature that it would seem justifiable to cover all such personnel by a single standard-setting instrument.

In order to be able to provide quality higher education, all post-secondary teaching personnel should enjoy comparable rights and protections and should be subject to similar types of obligations given their respective workloads. Unnecessary distinctions among the various categories of teaching personnel should be avoided. With the experience of this new instrument and the experience gained from the 1966 Recommendation, consideration should even be given to the development of a single instrument covering all teaching personnel.

In order to adequately meet the needs outlined above, it is essential that the proposed recommendation cover issues falling within the sphere of competence of UNESCO (academic freedom, professional autonomy, collegiality, intellectual property and professional ethics, provision of resources, further education and refresher courses, etc.) and within the scope of the International Labour Oganization (freedom of association, working conditions, job security, copyright, etc.). Indeed, few of these issues can be considered in isolation, and of those under UNESCO jurisdiction, most cannot be properly guaranteed without adequate protection in areas within the purview of the International Labour Organization.

In another regard, the proposed recommendation would appropriately cover the rights of teachers as well as the duties and obligations which they assume in the exercise of these rights.

Given the foregoing guiding principles, the following issues should be covered by the recommendation to be developed: (a) the rights and freedoms of teaching personnel; (b) working conditions; and (c) individual and collective obligations.

According to a further break-down of the principal issues, **rights and freedoms** would include the following:

- freedom of association and of expression;
- academic freedom for teaching, research, and dissemination thereof by any appropriate means;
- protection from interference by the established authorities; collegial administration and the right to participate in the development of educational policies, strategic choices, and academic management;
- protection from all forms of discrimination;
- professional autonomy;
- intellectual property;
- access to universal thought and to the most recent scientific and technological developments.

The issues of working conditions would include:

- proper workloads, taking into consideration the wide range of duties incumbent upon teaching personnel, i.e. teaching and supervision of students, research and original contributions as well as the dissemination thereof, service to the institution and to society;
- satisfactory material conditions;
- career plans, i.e. probationary periods, tenure, career advancement, retirement plans;
- requisite initial training, continuing education, periodic retraining and refresher courses;
- remuneration;
- benefits;
- occupational health and safety;
- a fair disciplinary system;
- non-penalizing conditions of mobility.

Individual and collective obligations would include:

- competence;
- diligence and availability;
- social and professional ethics;
- relevance of training and research programmes to the needs of society, and participation in national development and democratization efforts for post-secondary education;
- education in the universal values accepted by the international community and advanced by UNESCO;
- respect for research ethics involving human and animal subjects, heritage artifacts, and environmental protection;

- respect for professional ethics with regard to students and colleagues and in the exercise of freedom of expression.

Partners in the process of developing the proposed recommendation

The foregoing makes obvious that the proposed recommendation must be developed jointly by UNESCO and the ILO, in consultation with other interested partners, particularly the NGO's of the teaching profession and post-secondary educational institutions.

Once the main outlines of this document have been approved by the parties concerned, its author will conduct the "in-depth study" required by the General Conference at its twenty-sixth session (1991) under the authority of the Division for Higher Education and "in consultation with the ILO and specialized NGO's of the teaching profession, the results of which should be submitted to the General Conference at its twenty-seventh session" (1993) (Resolution 1.16).

The terms of the envisioned recommendation will be developed from currently available documentation, and every care will be taken to preserve what has already been acquired by conventions and recommendations previously adopted by UNESCO or the ILO and to ensure that the draft does not include any provisions that would constitute a setback in terms of those accomplishments. Special attention will be given to studying the possibility of incorporating into a single recommendation the current provisions in effect concerning the status of scientific researchers and the provisions to be developed regarding the status of post-secondary teaching personnel.

The author understands that the terms of the recommendation shall comply with practice in effect, particularly those relating to respect for the specific jurisdictions and economic situations of the States concerned.

On Academic and Human Rights

Lammert LEERTOUWER

L'auteur commence par souligner que la liberté académique ne peut être envisagée comme une retombée des droits de l'homme. Elle ne saurait être absolue, car nombre d'universités la limitent par leur réglementation intérieure: en y accédant, on s'engage à respecter certaines normes et principes visant le progrès de la science et la transmission d'un savoir valide. Ce qui risque de menacer l'autonomie universitaire, c'est le non respect de ses propres normes scientifiques et moraux et non pas l'ingérence des autorités gouvernementales.

In his article on "Academic Freedom and Human Rights", Professor Warbrick argued convincingly that the concept of academic freedom cannot be defined as simply an aspect of universal human rights.

With regard to this argument, the following three points can be made.

First, it is clear that even without general acceptance of and respect for human rights, a given society can have a system of higher education; however, it cannot have a university. Without freedom of speech, academic freedom cannot exist, and without academic freedom, there can be no university.

If the above is true, academic freedom could never be so misused as to violate the human rights of persons or groups either inside or outside of academe without destroying the very idea of academic freedom. On the other hand, one would be well advised not to overly broaden the concept of academic freedom. The rights that students and professors can claim as clients or employees of their universities are to be agreed upon by their unions and by the administrators, in a similar way as, in a democratic society, terms of employment are dealt with outside the university. Specifically, these terms should not contain any restrictions as to academic freedom; but on the other hand, they should not be treated as specific privileges which are simply derived from that freedom. In a European context, this principle holds true, because, as Professor Warbrick has argued, no common European idea of what a university is in fact exists.

To illustrate this point, let us take the case of all newly appointed professors at Leiden University, who have to take an oath by which they swear loyalty to her Majesty the Queen and to the laws of the land, promising to loyally fulfil their teaching and research duties and to accept the instructions, which will be given to them with regard to these duties, by the lawful authorities of the University. The oath is not compulsory (it has no basis in State law); but nobody ever refuses to take it, for everyone understands that it could not possibly be used to violate a professor's rights as an employee or to restrict individual academic freedom. On the contrary, by taking the oath, professors solemnly pledge loyalty to academic freedom itself, Leiden University having been founded upon the initiative of William of Orange in 1575 as a reward for the brave resistance of the town of Leiden against the Spanish oppressors. Ever since that time, the University has tried to live up to its motto, *Praesidium libertatis* (fortress of freedom).

This tradition is pertinent to the third point which regards the essential nature of academic freedom.

However vague the concept may be and however divergent its various interpretations in different cultural and political contexts, it is absolute and universal as a moral obligation. A university is dedicated to the advancement and transmission of valid knowledge. That is its only true loyalty; so, academics claim the right to pursue only that goal. Before they can convincingly do so as students and professors, they must be prepared to accept it as an obligation.

Academics are not, however, kindly asking their fellow citizens, who have to pay for this freedom, to grant them a *magna charta* of luxurious individual privileges. Rather, they are reminding their fellow citizens that there are two institutions which, until this very day, have survived every crisis in European culture: the Christian Church and the University. Why? Not because they have never failed to fulfil their obligations to society, nor because they were invulnerable to political pressures. It is because they cannot be replaced by any other institution. As the Dutch historian Johan Huizinga so brilliantly argued, there is no substitute for them. If one wants a university, one must grant it academic freedom. Do not try to limit that freedom beforehand, but do hold academics responsible and take them into account for the way they use this freedom. Do not however interfere with the concept itself. Although it will adapt itself to the ever changing conditions of culture, it will nevertheless always be the same. A woman cannot be just a little pregnant, nor can a university have just a little bit of academic freedom. For example, when one accepts freedom *of* religion as part and parcel of academic freedom, one cannot deny that this means freedom *from* religion as well.

In their everyday lives, individual academics do not think much about academic freedom. Likewise, one does not give much thought about the air one breathes unless it becomes polluted or scarce. When that happens, one simply has to fight for dear life. It will be of little help to display a document, duly signed and sealed, stating one's right to clean air or, for that matter, to academic freedom.

Take for example the crisis which occurred in Leiden on 26 November 1942 when the Nazis tried to have all the Jewish professors fired. The

Nazis knew Leiden University for what it was in those days: a typical Dutch university, full of non-political academism and rather tepid bourgeois liberalism. The Nazis were in for a surprise. The students called for action, and one professor, Mr. Cleveringa, rose to the challenge. He delivered a speech, which was devised to calm down the students, but which also made very clear that academic freedom and, therefore, the University itself, was at stake. Two weeks later the Nazis had no choice but to close Leiden University. Cleveringa was in prison, and almost all the other professors had handed in their resignations.

This anecdote illustrates the point made by Professor R. A. de Moor. Governments; however noble or evil their intentions, are quite helpless in the face of academic freedom, unless it is eroded and destroyed from within by students and professors who claim rights but without, at the same time, fulfilling the moral obligations of academic freedom. Whenever and wherever such enemies are found in universities, they should be fought. Students should rebel against professors whose teaching falls below this standard; professors must do all they possibly can to transmit this spirit to their students. For academic freedom is neither self-evident nor self-fulfilling: in order for it to exist, it must be learned, practiced, and defended by every member of the *civitas academica*. If they do so, they hardly need to have it codified in European law.

Academic Freedom and Continuing Education

Karl WEBER

Il est à prévoir que la demande de formation permanente ne cessera d'augmenter. En Suisse, ce phénomène est largement soutenu par les autorités. Le marché du travail impose une rétroaction permanente entre le cursus universitaire et l'usage que l'on fait des connaissances acquises, la formation permanente étant le fruit d'une négociation. Les frais de scolarité sont importants et il est juste que les patrons et les employés, intéressés par les programmes de formation permanente, aient un droit de regard sur le cursus proposé. Le monde universitaire est gouverné par ses propres lois. Il est souhaitable qu'il le reste mais il est inévitable que ce monde s'ouvre d'avantage à l'extérieur.

Introduction

Over the next few years, societal demand for continuing education will continue to rise. The causes of this rise are rapid changes in science, culture, business, industry, and politics, changes which science and research promote and to which they respond. Research, education, and continuing education are both the prerequisite and the result of change. In addition, the growing demand for continuing education can be attributed to major shifts in occupational structure (Noll, 1987). Therefore, the occupational domains requiring a great deal of continuing education will continue to expand and will advance the process of tertiarization. Such domains include research, development, planning, as well as services in a narrow sense (consultancy, communications, etc.). Therefore, an increase in employment in the service and infrastructure sectors is expected to be paralleled by a decrease in the production sector.

Finally, structural shifts are being compounded by demographic development: those who are already economically active are subject to growing pressures to adapt and to develop new qualifications through continuing education.

As international comparative studies demonstrate, national academic institutions have coped with this demand in various ways (cf. e.g. **Bundesminister für Bildung und Wissenschaft**, 1989). In the USA and in Sweden, continuing education has found its way into the universities. In other countries, the process has not gone as far. In Switzerland, since

1990, the government has backed universities and institutes with extraordinary measures in order to boost the availability of continuing education. These national dissimilarities have a number of causes including varying socio-economic conditions, specific differentiations and divisions of labour in the national educational systems, and varying educational traditions. The self-conception of the various universities and their staff members as well as varying national concepts as to what a university should be also play a major role.

In Switzerland, the universities and institutes of which are highlighted in this article, continuing education has become the fourth task in addition to research, education, and service. What is meant by continuing education is the continuation or resumption of organized learning after a certain period of extra-mural practice or employment following initial graduation (cf. Deutscher Bildungsrat, 1970). Continuing education deals with science. Its target group consists of specialists with academic degrees. The vehicles for the respective programmes are higher education institutions.

This fourth task constitutes a new challenge both for the staff members of universities who must redefine their self-conceptions and for each institution as a whole. In the medium and long term, in light of continuing education, a new organizational balance must be achieved, and the notions of academic freedom and institutional autonomy must be reviewed.

The educational challenge of the new student populations

In Switzerland, as in several other countries, universities are institutions of adult education. Their students are over twenty years old. They often live with a partner or even in wedlock and frequently balance gainful employment with their studies (substantial differences occurring, however, according to discipline studied).

Students specifically in continuing education are usually between 20 and 40, according to data collected at the University of Berne. Most of them have gained professional experience over a number of years and work in management in the private or public sectors. Because a highly qualified workforce is more active and experienced with regard to continuing education, its members have learned how to scrutinize the public and private offerings in order to find the courses which meet their needs. Experience shows that this new population of students is not only well-equipped in terms of professional (and even personal) backgrounds, but that they create a teaching environment in terms of learning which professors and lecturers have not encountered before.

The traditional "front-end-loaded" education model is not necessarily suited for continuing education (cf. Thomas, 1991, p. 132) for two main reasons. First of all, continuing education takes place alongside work; the phases of knowledge acquisition and knowledge use do not occur successively but in parallel. Thus, the qualification process is not of preparatory nature, but goes hand in hand with real life, a situation which tends to give rise to teaching disruption due to rapid feedback. The second, more consequential, reason derives from the traditional authority structure. It has become obsolete and must be redefined in order to promote learning in continuing education. The idea in continuing education is to supply knowledge geared to solving extra-scientific academic problems. As a consequence, programmes cannot be designed solely according to the logic of academic disciplines, which traditionally defines a university. Although academic programmes remain a necessity in continuing education and are the hallmark of academic education, courses cannot simply be founded on the progress of knowledge and be legitimated by the authority of the teaching staff. The scientific/academic character of a course is no longer the magic formula for success on the competitive continuing education market.

Continuing education is the product of processes of negotiation

In continuing education, processes of negotiation take place at the various stages of planning, concept development, implementation, and evaluation. Several actors with dissimilar resources, interests, and expectations are involved in these processes. The universities, research institutions, institutes, departments, and teaching staff represent the knowledge-producing elements. The knowledge-consuming elements include the occupational groupings of the highly qualified workforce, public and private companies, and non-university educational institutions.

How the knowledge-consuming actors perceive and rate the knowledge potential of a university in the light of their demand for continuing education is decisive for the design of courses. Does it offer knowledge which other institutions cannot supply? Will the acquisition of scientific knowledge boost qualifications, status, or income? Does scientific continuing education promote professional identity?

The teaching staffs of universities in turn wonder where the strong points and limits of their knowledge are, how demanding an involvement in continuing education may be, and whether such an involvement can foster the prestige of their institutions, or even be stepping stones for their careers. They speculate as to whether or not their participation in continuing education might entail benefits such as greater financial resources for research.

Representatives of the various study disciplines do not all display the same talent for dealing with complex negotiation processes. Moreover, specific knowledge potentials have dissimilar options: a science which creates technological knowledge (in the broad sense) has a better structural chance on the continuing education market than a science which specializes in enlightenment. Medical science is an example of the first type, and the liberal arts constitute an example of the second. Of course, medical science is not limited to this one form of knowledge. The imparting of the latest technological knowledge through continuing education risks making experts query the effectiveness of traditional technological knowledge and can thus spark off a process of enlightenment. Furthermore, the relations and contacts that university staff members establish with the working world also influence the outcome of the negotiation process.

Knowledge potentials and forms and social relations to a large extent determine the actions of university staff members in the negotiation process. Those whose knowledge potential is technological (in a wide sense, including socio-technological components) may behave somewhat like technocrats; those who contribute enlightening knowledge are prone to play the roles of intellectuals. Both behaviour patterns tend to jeopardize sound continuing education.

A well-organized and well-structured negotiation process should meet the requirements outlined by Habermas (1968, 127 ff.) in his pragmatic model describing the relation between expert knowledge and politics. What should be avoided is an arrangement whereby continuing education falls short of the expectations of both the university and the working world. The objective is rather to create a climate which promotes learning on both sides. For the university and its staff members, this requirement may also imply that a continuing education project must be dropped if the necessary knowledge is not consolidated or if ethical considerations rule out participation.

The learning-contract quality of continuing education

Enrolling in a university continuing education programme is usually voluntary. This voluntary nature holds not only when employers approve the continuing education of their employees but actually initiate it. Taking a course involves paying substantial fees, which usually cover most of the tuition costs.

The heavy tuition fees and the transparence of the costs reflect the learning-contract quality of continuing education. The students are prepared to pay a price for a product they require. They are cost-conscious consumers who weigh various offers and choose the one which best suits them. The transparence of the costs also holds good for the teaching staff: they know how much the students pay for the courses they teach (cf. Knowles, 1986).

Some evidence suggests, and cost practices in psychotherapeutic counselling prove, that paying for a service enhances effectiveness and seriousness of learning. So the teachers' dream may possibly come true: students who learn of their own free will.

Of course, the model of the learning contract goes far beyond the charging of tuition fees. Such complementary measures as the evaluation of the abilities and the competences of those enrolling, the design of individual curricula, and the counseling of students as well as the assessment of their progress must also be planned and carried out. Tuition fees are nevertheless a step in the right direction.

As students in continuing education so far constitute only a small proportion of the Swiss student population, and the market-oriented model for financing courses is still new, it is not yet possible to gauge the consequences of this innovation.

Continuing education and the discourse about academic freedom

A relationship between continuing education and academic freedom cannot generally be ascertained with regard to Switzerland, as substantial differences exist between disciplines, universities, institutes, and even regions of the country. Moreover, there are no legally binding regulations yet governing the involvement of universities and institutes in continuing education. Nevertheless, in light of their social responsibilities, the universities are expected to offer continuing education. They have been assigned the task and given the necessary funding. The universities are expected to contribute to the optimum use of resources and to the reduction of risks in business and industry as well as in society as a whole.

The public debate over university policies in regard to continuing education has several consequences for the discourse about academic freedom. It raises issues regarding the purposes and the responsibilities of the universities and adequate organizational structures - issues which, in view of the uncertainties of scientific and technological progress, would have to be discussed in the universities anyway. Therefore, the debate over continuing education speeds up an essential process of clarification.

The attempt to assess social demand for continuing education and to specify how universities can meet this demand have highlighted the fact that science and extra-mural practice are two different worlds. The logic which determines the academic world is not identical with the conventions of real life. In a university, scientific rationality dictates reality in the production of knowledge, whereas in real life, economic, political, and cultural rationalities reign. Moreover, dissimilarities exist within the academic world: the rules for engineering, the arts, law, or the natural sciences are not the same. The analysis of continuing education has sparked off rules and identities pertaining to the various disciplines.

Insights into distinctions between the academic world and real life and among disciplines and their discussion in the university will have a double effect. First of all, the discourse will help in viewing the capacities and the strong points as well as the shortcomings of science as a knowledge-producing entity. The objective is to perceive what science can and cannot achieve, or why it fails to meet certain expectations of the outside world. Ethical reflections on the limits of exploration and on the utilization of scientific knowledge can also be made. Then a clarification of these issues (among experts in the specific fields) is likely to boost the self-confidence of the university. Well-aware of its strong points, the staff will be in a position to negotiate the contents and organization of continuing education with representatives of the extra-mural world.

Planning, implementation, and evaluation in continuing education do not follow the same rules as planning and implementation of degree and diploma courses or research projects in which the rules of the academic world predominate. In continuing education, the expectations and criteria to be met stem from both the academic world and real life. As these expectations are therefore relatively heterogeneous, calling for a negotiation process, the university alone cannot determine which courses will be offered. During the entire process of planning, implementation, and evaluation, the academic world and extra-university practice interact, neither side being able to take all the steps.

This interaction of differing expectations and logics, which characterizes continuing education, could be regarded as a threat to academic freedom, but closer examination does not justify this fear. First of all, those in charge of the planning of curricula will continue to set the qualification goals for courses, even if, within the framework of continuing education, aspects of the social significance of both academic disciplines and university education, which have remained implicit throughout the planning of curricula for basic studies, are discussed publicly. Moreover, as continuing education has the quality of a learning contract, actors can refuse to take part in it if they feel that their expectations are not being met. Academic freedom implies that each university staff member is free to stay away from continuing education. This individual freedom of choice does not jeopardize the tasks of the university to offer continuing education. In view of the specific requirements such courses must satisfy; however, it makes sense to allow the teaching staffs of the various disciplines themselves to decide on the extent and conditions of their involvement in continuing education. Appropriate regulations and organizational and structural facilities can of course raise the attractiveness of such an involvement.

A snag which cannot be ignored is the shortage of cultural prerequisites for successful co-operation between the academic and professional worlds. They are still few and far between and differ greatly from discipline to discipline.

For continuing education, we have assumed symmetrical relations between those teaching and those learning: teachers learn and learners teach, Graduates with professional experience provide empirical knowledge, and through dealing with problems of real life, academics can perceive the limits of their theories. The practitioners for their part learn to recognize the conditions of their actions; the scientific method permits them to step back and to reconsider their situation. Continuing education therefore is beneficial for all those involved and offers both personal and scientific gain to university staff members.

Universities, institutes, and teaching staff members do not jeopardize their academic freedom by getting involved in continuing education. Of course, the fourth task may give rise to contradictions and conflicts, particularly in universities which are still organized in a traditional manner, i.e. according to faculties. The tensions are mainly brought about by the confrontation of the logic of science and the academic world with that of the world of work (cf. Bordage, 1992). Making optimum use of this contradiction would lead to the strengthening of academic freedom and the promotion of individual and institutional willingness to assume the role of competent and self-confident actors in continuing education. Undoubtedly, such a role calls for evolution and the differentiation of academic learning cultures.

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Leadership, Coherence, and Autonomy: Perspectives for a Transatlantic Dialogue

Robert ZEMSKY, Andris BARBLAN, and Madeleine GREEN

Les universités sont des établissements extrêmement résistants, qui doivent allier la tradition la plus ancienne à la nouveauté la plus récente. Tout en gardant jalousement leur autonomie, les universités sont de plus en plus assujetties à un examen public de leurs dépenses. N'empêche que les difficultés à surmonter ne font que tremper les énergies et aguerrir les universitaires, confrontés à de nouvelles tâches. Le coût de la recherche rend nécessaire un financement externe de plus en plus important, d'où le besoin d'une gestion toujours plus efficace. Tous ces aspects sont encore plus accusés dans les universités de l'Europe de l'Est, conçues sur le moule soviétique, où les inerties sont coriaces.

Introduction: the enduring university

In the 1970's, the Carnegie Council and Clark Kerr crafted what would become one of the more enduring tributes to the modern university:

> Taking, as a starting point, 1530, when the Lutheran Church was founded, some 66 institutions that existed then still exist today in the Western world in recognizable forms: the Catholic Church, the Lutheran Church, the parliaments of Iceland and the Isle of Man, and 62 universities... They have experienced wars, revolutions, depressions, and industrial transformations, and have come out less changed than almost any other segment of their societies.

What is being celebrated is the idea of the university as both a lodestar, a point of reference for safely navigating whole eras of turmoil and cataclysm, and a survivor. The image emerges of an institution that is truly majestic in its stoicism; slow-moving, yet sure of foot; one often guided by nothing more than an inner sense of direction. It is a view that proclaims the grandeur of the academy by celebrating its purposefulness and resoluteness.

These are virtues that are much in demand as universities everywhere face yet another era of transition. In both Europe and the United

States, universities are being required to assume new roles; to abandon cherished modes of operation; and to forge new alliances, not just with one another, but with the full range of institutions that have had responsibility for mass education thrust upon them. Universities are being asked to play important roles in revitalizing regional and local economies, in establishing more equitable systems for distributing social services, and in preparing a truly educated workforce.

These changing demands come at a time when the academic world itself is being scrutinized more closely. Universities on both sides of the Atlantic are being asked to explain why they must consume so many resources. Their claims to a special status are being dismissed as self-serving. They find themselves charged with being élitist, defenders of an academic way of life that no longer makes sense in a world in which economic competitiveness demands institutional efficiency and productivity. Even the more thoughtful public commentators have taken to asking, often quite pointedly, why universities should prove immune to the pressures of the marketplace and to public standards of accountability. Where there have been reductions in public spending for social services, it has often proven relatively easy to make universities bear a disproportionately larger share of the cuts. There is a growing sense in some quarters that universities ought to pay for themselves, in part, at least, by having students and their families contribute more toward the costs of instruction and subsistence. Asked to do more with less, universities increasingly foresee a future characterized by diminished funding and new external constraints, a future in which they will be more subject to being told who and what to teach, the kinds of research in which to engage, and the levels of social service to provide.

For those who take the long view, such circumstances are simply eddies in the stream of history, and, in fact, there are ample indications to support the contention that the academy will surmount its current difficulties. The re-emergence of a community of eastern and central European universities is testament to the enduring ideal of the academy. The demand for places in universities is up, not down. The pace of research has quickened, not slowed. Political intrusions into the life of the university are few. The fractiousness and violence of the 1960's and early 1970's are receding into memory. For the most part, even the reductions in funding and the attention to enhancing productivity have not threatened the viability of institutions. Viewed through the lens of history, the university once more seems to be correct in maintaining that "this too must pass!"

We agree, however, for a quite different reason. The success of the university across the span of western history, it seems to us, has less to do with the grandeur and simplicity of the academic ideal than with the fact that as places of intellectual, even ideological combat, universities are the least interesting when they feel the most secure. Universities depend on the tension, energy, and, above all, optimism that derive from the heat of a battle well engaged. It is what has allowed universities, time and time again, to overwhelm and surmount their difficulties. It is the optimism that embraces change, often for the sake of change; the energy that results from the collision of ideas and perspectives; and the tension of knowing that the argument itself is important, that what a university comes to believe can, in fact, change the shape of history. Our image of the university is not very elegant, not cast in grand or even enduring terms. What we see is an institution that resembles nothing so much as the fabled bumblebee: large, often imposing, and, by all the rules of aerodynamics, absolutely incapable of flight. And yet fly it does, with a sense of energy and adventure that is all its own, seemingly unafraid of the most daunting of obstacles.

The constants of change

It is a sense of optimism, even opportunism, that will best anticipate the decade of the 1990's, that will see, in these closing years of the twentieth century, not eddies to be transited but opportunities to be explored. It will be a decade for re-asking basic questions: What is the core mission of the university? To whom is it accountable and why? What should the balance be between teaching and research, between instruction and enquiry? Who should pay for higher education and in what proportion? How are universities to be governed; from whose ranks will they recruit their leaders? What is the relation between the university and the culture of its region? How can the university best serve as an engine of economic and social change? What are the responsibilities of the university as a preserver of traditional values as well as a promoter of new paradigms of knowledge? Must the university choose between quality and relevance? Can it resist the utilitarian temptation even as it seeks to become more relevant and adaptable? Can it defend its traditional standards and commitment to promoting science and culture, while simultaneously becoming more inclusive in terms of the ideas and purposes it champions?

The answers to each of these questions will be shaped by and will give shape to the political and economic events that are energizing educational communities on both sides of the Atlantic. In central and eastern Europe, the pace of economic and political change is forcing a re-examination of the academy's purposes, its role as a center for research as well as instruction, and its capacities both to nurture and to draw sustenance from market mechanisms for distributing labor, goods, and services. In western Europe, public policies toward and public perceptions about universities are being shaped by European integration and a quickening debate over the privatization of key elements of the financing of universities. In the United States, the contraction of public funding for higher education is forcing most institutions to take a hard look at how they spend their funds, even as governmental agencies are demanding that colleges and universities become more accountable for the delivery of cost-effective, quality educational products.

First principles

What has not changed is the most fundamental of truths defining the modern university: its commitment to unfettered enquiry and free expression. Because ideas matter, they are expected to be defended without recourse to compromise. Wherever and whenever that commitment has been breached, what has been sacrificed is the standing of the university as an autonomous institution. Nor does the importance of institutional autonomy end with its guarantee of free expression. There is a long tradition which suggests that such freedom for the individual is a necessary but insufficient condition for securing the health and vitality of the academy. Equally necessary is the guarantee of the standing of the institution as an entity capable of giving voice to the aspirations and decisions of the university as a whole. Institutional autonomy thus comes to mean the ability of faculty, students, and staff to chart collectively for their academy an independent course of action. It becomes the condition that first guarantees academic freedom and then makes its exercise an imperative.

In this way, institutional autonomy confers both liberties and obligations, the first of which is defining a coherent mission for the university itself. Although the contexts are widely different, the recent histories of universities on both sides of the Atlantic reflect a pervasive muddling of mission. The explanations vary: political intrusions, changing technologies, the emergence of new fields of study, the call for universities to become more service-oriented.

The root causes for the blurring of mission and confusion over purposes, however, probably lie as much within as outside the academy. The tendency has been to avoid taking collective action; to focus more on process for fear that explicit discussions of substance would only prove divisive; to separate, isolate, and make the units of decision-making ever smaller in an attempt to make the components of universities more responsible for their own futures.

This latter tendency has probably reached its apotheosis in the American context, where the avoidance of responsibility for defining now extends throughout the enterprise. The American university vests in its schools and faculties responsibility for deciding what does and does not fit, only to discover that the decision is left not to academic departments, but to individual department members who act largely as independent agents. The institution is reduced to the simple sum of its parts.

Across Europe there has been a similar blurring of missions and boundaries, although at times for obviously different reasons. The frontiers that once easily separated types of institutions and sorts of students and programmes are being crossed with increasing regularity. Contravening tendencies abound, some emphasizing the importance of science and technology, others placing renewed emphasis on the emotional and individualistic. As a result, there has been a new sense of disconnection between *hard* and *soft* knowledge along with an increase in the number of separate and separable institutions. Among the re-emerging universities of central and eastern Europe, the blurring has had an understandably political cast. A rapid devolution of authority and autonomy to the faculties and departments is leaving in question the ability of these universities to act and speak as wholes on even the most basic of academic issues.

Toward a transatlantic dialogue

These trends of disaggregation suggest a host of general questions. What is required of the academy in exchange for its institutional autonomy? How important is it to speak with that collective voice born of internal coherence? Can or should individual universities expect to play mediating roles, bridging differences among the principal governmental, social, and economic agencies of their own countries and regions? Will the university be able to maintain its commitment to individual freedom and initiative, or will the effort to find a collective voice yield a more efficient but less vital institution?

When cast in these terms, the focus of discussion broadens to include the twin issues of institutional leadership and coherence. It is also along these dimensions that the historic differences among universities in the western world become most apparent. The Anglo-American university has come to enjoy substantial legal and fiscal independence, thus introducing a wide mixture of organizational forms and functions. The continental universities in the European Community, on the other hand, are almost uniformly extensions of the state, a situation which thus assures a greater commonality of practice within and sometimes across national boundaries.

Until last year, the organizational structure of central European university derived principally from an accommodation to a Soviet model that divided research from instruction and insisted that the university honor the commitment of the State to centralized planning and management.

Yet it is also the case that leaders from across this span of universities now share common concerns for the purposefulness and independence of their institutions, concerns that are altering functions within the academy and recasting relationships between the academy and its sponsors, public and private. The balance of this paper presents a set of perspectives, drawn principally from our discussions with American presidents and European rectors, for better understanding the challenges now facing universities on both sides of the Atlantic.

Our conversations with academic leaders from Bucharest to Berkeley suggested just how carefully they have analyzed the prospects facing their institutions, how they have mulled over their opportunities and gauged the severity of their problems, turning them first this way and then that, intellectually arranging them in different patterns and configurations in the hope that there might yet emerge a more focussed set of solutions and initiatives. Again and again, what these conversations suggested - if we can be forgiven a cliché - were the wonders of a kaleidoscope. In these accounts, issues, institutions, and individuals become like the pebbles that tumble in the prism of mirrors of the kaleidoscope. Each turn causes the objects to shift into unique combinations, resulting in a fresh perspective, a recast picture, perhaps a new understanding of how the pieces can fit into a different whole. Each rotation reflects the context of one of our three communities, the United States, western Europe, and central and eastern Europe, thus bringing a different facet into sharper relief. What emerges is the framework for a transatlantic dialogue that promises a better understanding of the differences and, more importantly, the commonalities that now define the modern university.

The prerogatives of management: an American perspective

We begin with the United States, where the perspectives and experiences of the research universities of this country have been shaped by two often competing forces: the rise of constituency politics and the emergence of the entrepreneurial institution. The effects of the former are both better known and more precisely understood.

The social activism and political turmoil of the 1960's yielded an American university that was seen as a place of diversity: diversity of opinions, of perspectives, of values, and, above all, of the people and the cultures they brought to academe. If at first this mixing of purposes and people encouraged a heady sense of experimentation, by the end of the 1970's, such social optimism had largely given way to a search for compromise and accommodation; to the building of temporary coalitions of convenience; and to the grasping, by all groups, for as much control over their own territories as the university would allow. Not surprisingly, institutional leadership was often thrust upon those with reputations as conciliators and mediators, academics who were both skilled in the art of constituency politics and capable of creatively blurring differences and distinctions whenever possible.

The second, now dominant, force has been the emergence of the entrepreneurial university. Much of the history of American higher education since the Second World War is reflected in the impressive, although largely unplanned and often undisciplined, growth of the nation's major research universities. They have become complex enterprises requiring substantial administrative staffs and faculty entrepreneurs whose stature and autonomy depend on consistent access to external funding. Increasingly shaped by the competition for state funds as well as sponsored research and by their appeal as undergraduate institutions of the first rank, they are universities that have turned their presidents into chief salesmen for the ever-expanding range of goods and services they produce.

Inexorably, the merging of market and political forces has led to an American university that can best be described as the simple sum of its parts, a university in which the coherence of the institution itself is at stake. Some of those most concerned that the whole is, in fact, giving way to its parts have been the trustees of these institutions. More quickly than might have been expected, these trustees have begun to seek out and install different kinds of scholars as presidents of their universities, individuals who, in addition to having earned the academic respect of their colleagues, are managerially clever and accomplished. What these trustees have sought are leaders with proven track records, men and a very few women cut in their own mold, presidents with whom they can be fully comfortable and, not incidentally, presidents who are prepared to view themselves as CEO's.

The result has been the spawning of what most Europeans would recognize as an academic managerial class, a circle of interchangeable, easily identifiable leaders of separable interests who have come to exercise increasing executive authority over their institutions. They are individuals remarkably similar in their outlooks and experiences. The members of this circle are, almost uniformly, distinguished scholars in their own right. Having established national reputations for the quality and promise of their research while still in their thirties, they were accorded major deanships and provostships before becoming presidents of major universities. The institutions they preside over are seldom those they served as faculty members; even though about half the time they are the institutions from which they earned their undergraduate or graduate degrees.

Although the language and rhetoric employed by these American presidents, often in deference to their trustees, is drawn from the world of business - they talk about making tough choices, of picking winners and of discarding losers, of finding market niches in order to enjoy a comparative advantage; the problem being addressed is the intersecting of institutional leadership, coherence, and autonomy. It is a typically American response: Bring in the tough guys. Give them faculty standing but not faculty responsibilities. Encourage them to establish effective administrative organizations, to place the running of their institutions in the hands of professionals like themselves.

In this process the faculty have proven to be both winners and losers. Today, probably more than at any time in history, American faculty are free to speak their minds, to teach what they want, to pursue research topics of personal choice. They have been largely relieved of student advising and mentoring responsibilities. Most teach substantially less than their counterparts of thirty years ago. Their courses are largely self-contained, requiring neither the help nor the approval of department colleagues. The academic department, having successfully fought off all rivals, has nonetheless become more of a convenience than an effective collectivizing agency: it is an organization seldom charged with making collective decisions about what will be taught to whom and in what form. The result is that American faculty in research universities have more and more time to pursue their own interests, much like independent contractors whose institutional associations are defined in terms of the privileges such membership confers.

What faculty have lost in this bargain is the ability to speak collectively for their institutions. They are an ever smaller minority, still privileged, but no longer in charge. Faculty senates, when they can muster quorums, give advice without rendering decisions. They are spoken to, consulted with, but seldom asked to solve problems or to make tough choices. The faculty culture, never as strong in American universities as in their European antecedents, has been transformed as more and more power has been transferred to professional administrators, only some of whom were once faculty members themselves, and to faculty entrepreneurs who, rather than joining the administration, devote their organizational energies to building largely independent research institutes and centres.

A host of basic questions is suggested by these American experiences. Does the path to greater institutional coherence necessarily lead to a lessening of the uniqueness of individual institutions? In the maintenance of institutional coherence, how important is executive authority, increased standardization, and administrative specialization? Does the devolution of authority and responsibility to ever smaller units require the development of an explicit counterweight or balancing force? Can the faculty be said to *own* their institutions if they are either unwilling or unprepared to manage them?

The push-pull of differentiation and integration: the western European experience

These questions may seem peculiarly American, particularly when asked in a European context. The administrative staffs responsible for European universities are as likely to be located in ministries or bureaux as on campuses. The role of the faculty is more clearly defined and formal, less entrepreneurial, less subject to individual initiative. The leaders of an institution, the rector and his principal academic colleagues, are elected from and are expected to return to the faculty, a check on the temptation to create their own self-enriching enterprises. Managerially, they remain amateurs, sharing with others, frequently outside the university, the task of detailed administration. They remain scholars, often of the first rank, attentive to the nuances of faculty discourse and the need to defend the university's academic prerogatives, both symbolically and logically.

Look more closely, however, and many of the same pressures responsible for the particularities of the American experience can be found emerging across western Europe. One of these pressures is reflected in the increasing tendency to treat European universities as linked enterprises, as agencies that are critical to the economic and social integration of their localities into the emerging European Communities. As potential engines of economic growth, universities are being asked to forge new partnerships with public agencies, private enterprises, and corporations. More and more, they are being asked to be adaptable and flexible, open to new options, new ways of doing business, and alternative arrangements for conducting as well as paying for research.

Many of these pressures are summed up by the increased frequency of references to the *market*, in both its general economic sense and in the more specific European context. In the latter instance, market metaphors are used to express the commitment of Europe to erasing national barriers to the free movement of an educated labor force as well as goods and services. The demands created by this new European market for education have engendered conflicting signals. Among academic entrepreneurs there is a sense of optimism along with an impatience to be about their business. Others see the emergence of the market as a challenge to local autonomy and the traditional forms and functions of universities and their commitment to scientific and humanistic enquiry. Still others fear for universities that are becoming overloaded, suffering from a surplus of expectations and a shortage of resources, both human and fiscal.

Market metaphors are also shaping discussions as to who is to participate and thus to enjoy the privileges of membership. The boundaries that define the university are being questioned with new vigor. More and more European universities now include degree programmes in engineering and management studies. There is a new interest in the role of universities in supplying education and training directly to firms, particularly when the latter provide new revenues and students.

Market metaphors have, in addition, added color to a new and spiralling debate over the financing of European universities. To what extent should the resources available to a university reflect measurable demands for its services? What role should financial incentives play in determining fields of study and research, the appointment of faculty, and the construction of facilities? To what extent should the direct beneficiaries of a university degree, principally students and their parents, be expected to bear the cost of instruction? What is about to be debated is the privatization of the European university and the extent to which market forces can be relied upon to distribute students, funds, and academic missions among institutions that are increasingly seen as belonging to a single, European academic market.

As a result of these pressures, European universities are coming to see themselves more and more as enterprises caught between the need to preserve traditional liberties and historic callings and the need to prove ever more adaptive in the face of a rapidly changing and increasingly competitive market for academic services. The response has been a variety of often conflicting proposals, agencies, and initiatives. The ERASMUS exchange programmes have demonstrated the advantages of co-operative networks. Still, the supporters of the programme worry that even the most successful of efforts will wither once the Community ends the current round of funding.

The basic problem is that most such ventures have yet to develop sustaining roots within the institutions they are intended to serve. Proposals abound to make European universities more separate and specialized, their individual faculties more independent, perhaps even to the point of breaking off to become autonomous institutions, free to associate with similarly constituted faculties across Europe and beyond. In some nations, these considerations have helped produce a clearer articulation of how individual universities ought to fit together by ensuring that there be a rational, centrally coordinated policy for assigning specific programmes and activities to each. In other western European nations, the decision, often arrived at implicitly, is to let each university develop its own portfolio, investing in those activities for which there is a demonstrable need.

It is at this juncture of form and function that the questions of institutional autonomy and coherence, academic leadership, and the management of institutions take on relevance in the European context. As the universities of the European Community become more complex, more like enterprises, more clearly caught between the centrifugal push of differentiation and the centripetal pull of integration, the more the coherence and integrity of these institutions will be called into question and the more likely those outside the academy will come to ask, "Is there anybody really in charge here?"

And they will not be the only ones asking awkward questions. More and more, faculties will want to know, "Just what businesses are we in?" From both within and outside the academy, there are likely to be questions about the stewardship of these universities; about whether rectors drawn directly from the faculty have sufficient skills to manage their institutions; about whether universities can survive the rotation of rectors whose only preparation is on-the-job training. University senates may find themselves under particular pressure, attacked internally by the entrepreneurs of the institution and externally by its critics for being too slow to change and too quick to ensure that the status quo is maintained at the cost of lost opportunities. Those who want change are likely to follow a dual strategy, that of developing independent enterprises that they can control within the university while simultaneously forging alliances with like-minded entrepreneurs at other institutions to answer challenges presented by the State and by industry.

What is at stake here is both the coherence and the autonomy of the European university. As in the United States, the question implicitly being asked is, "Can the university maintain a unified voice, both to speak collectively and to make focussed investments in programmes of its own choosing?" If there is little inclination to follow the American example of institutional leadership, there is, nonetheless, an active interest in management and leadership effectiveness. There is a sense that the balance must shift away from a reliance on temporary leaders, toward permanent or quasi-permanent executives. A new realization is emerging that the agencies of the European Community will need to be countered if universities are to be more than agents for distributing the incentives of the market. More generally, there is a growing awareness that the university must reassert its traditional role as partner in the definition and shaping of societal needs.

In the aftermath of revolution: the challenge for central and eastern Europe

Perhaps not surprisingly, a similar set of issues now confronts the re-emerging universities of central and eastern Europe, even though the conditions and context are so starkly different as to make comparisons at times misleading. The long twilight of the central and eastern European university signified an eclipse of both its role and stature.

Universities proliferated, principally in the form of vocational establishments in support of the needs of the economy for skilled manpower. The classic disciplines of the arts and sciences largely became centers for the training of secondary school teachers and would-be civil servants. The traditional university found itself shorn of most of its research functions, giving way to literally hundreds of institutes attached to national academies of science, each cut in the Soviet mold, with some serving a particular ministry or economic function. Graduate training often became the purview of the academies, leading to several generations of scholars with little experience in or appreciation of the ancient role and lineage of the university. Universities, in many ways, became quiet places, more important for the employment they offered and for their traditional prestige rather than for either their vitality or the contributions which they made, economic or otherwise, to their countries.

Then came the revolutions, this time dramatically and suddenly successful. Men and women from the academy were thrust into leadership roles as both theoreticians and practitioners of the revolution. The *nomenklatura* lost its power, the party having given up any and all claim to shaping the university in its own image. There was a dramatic resurgence, not just of democratic protocols, but of the organizations of faculty, student, and staff governance. University and faculty senates came alive with a sense of empowerment and license. A whole new cadre of leaders were ushered into power, personages who were looked up to, not just by their academic colleagues, but by whole communities that needed to see someone clearly in charge.

Within a year, however, some of the enthusiasm and much of the optimism had been dampened. Fundamentally, these universities have not changed. There remains an overwhelming number of rules, regulations, and procedures tying the universities to their ministries, and often quite different ministries, depending on the technical scope of the field of instruction of the institution. These universities have continued to offer the same basic curriculum, shorn principally of its Marxist trappings and its mandatory instruction in the Russian language. The faculty has remained largely the same. The fixation of students on the size and nature of their stipends has returned. The new governments have gone about the business of reforming their societies, cutting their support for universities wherever they could and reverting to the practice of setting up their own *think-tanks* to guide policy deliberations. Conservative faculty members, now ironically enfranchised by the powers invested in departments, schools, and university senates, have found it easy to resist change, to protect a status quo that promises half a loaf, instead of risking all in the pursuit of structural reform.

The day-to-day world of these universities is now shaped by the exigencies and flux born of dramatic change and a grinding lack of operating and capital funds. In many respects, they remain institutions of social employment, with faculty-staff and faculty-student ratios that have little apparent relationship to the principal functions of the university. They, like the rest of the institutions of their countries, are now expected to become market-responsive, even though there is little agreement as to what that might mean. In the sudden and dramatic contractions of their national economies, the universities find themselves without funds for either investment or operation. No less daunting is the challenge these institutions face in absorbing the missions and faculty of a host of technical and scientific academies, without the budget or a clear mandate to do either.

In this climate, leadership has meant coping, seeking ways to pry open hitherto closed systems without compromising the viability of the university or its self-confidence. What many of the rectors, who were chosen in the first wave of elections after the revolution, are finding is that while the democratization of their institutions vested in nearly everyone the power of the veto, it left uncertain just where the responsibility and freedom to initiate reside. With so much that needs to be changed, from an excessively detailed and classroom-oriented curriculum to an administrative staff that sees itself as the creature of the ministry that spawned it, the question is where and how to begin.

Thus, for quite different reasons, the same questions now before American and western European universities are being posed by the current generation of rectors across central and eastern Europe. Who is to lead the university, with what responsibilities, and with how much freedom of action? What will those leaders need to know about the functioning of educational markets, the advantages and disavantages of multinational networks? How can the prerogatives and rights of the faculty best be protected? How important is it for the university to speak with a collective voice, and at what cost to individual liberties can this unity be achieved? Should the university resist participation in the *market-place*, with its implications for the distribution of students and faculty and the allocation of funding? Is this a moment to forge regional or national university systems that confer the political strength of numbers in exchange for the ability to pursue separate courses of action? How can universities faced with such choices best preserve, even as they redefine, their own sense of specialness and unique calling. How can they best ensure their own coherence and institutional autonomy?

When confronted with the perspective of the universities of the United States and western Europe, the institutions of eastern and central Europe find themselves facing a looking-glass world. The images all seem the same, but somehow reversed and inside-out. In the West, questions of form and function of management structures as well as leadership prerogatives have grown out of a concern for institutional autonomy and coherence amidst an increasingly confusing and competitive market for educational services. In the East, the leadership changes came first, along with the rapid democratization of university governance. Only afterwards were questions, first of coherence, and later of autonomy, raised. In the West, the central importance of academic freedoms are largely presumed, in part thanks to the constant vigilance of academic libertarians. In the East, such liberties are neither taken for granted nor simply defended. There are too many who vividly remember an old order that achieved institutional coherence by subservience, largely by limiting individual rights and obligations, thus rendering the universities fundamentally less important.

Conclusion

Thus tumble the events and individuals in the kaleidoscope of our transatlantic dialogue. Twist it one way and the perspective is that of the American university concerned over its fragmentation and the muddling of its mission and purpose. Another turn of the kaleidoscope yields a different pattern, reflecting western European concerns over the *market*, both as a multinational network for ensuring the smooth transfer of educational goods and services and as a means of setting educational prices and distributing educational labor. From this perspective, the pattern reflects the push of differentiation and the pull of integration.

Turn the object again and the perspective becomes that of the central and eastern European university. Suddenly the pattern is starker, the pieces more defined and isolated. In this landscape, there is a fundamental concentration on the basic questions of rights, obligations, and resources. Still, in this, as in each of the other patterns, the prisms ultimately focus on the enabling questions of leadership, coherence, and autonomy.

Academic Freedom and the Advancement of Knowledge

Necdet SERIN

Après une longue période où les universités ont vécu figées dans leur moule traditionnelle, elles ont commencé, depuis le début de ce siècle, à marcher avec le temps. Il y a des différences importantes entre les notions de liberté universitaire et celles d'autonomie et d'indépendance. On peut être autonome tout en étant intégré à un système. Les pays riches peuvent aider les pays en voie de développement par le don de livres et de publications, sans toutefois s'ingérer dans leur vie académique. Toute avance de l'autonomie universitaire implique un progrès du savoir à transmettre.

Origins of academic freedom

As the result of rapidly changing conditions, the understanding which people have of the overall phenomenon of academic freedom in universities needs to be clarified. The processes whereby higher education systems are reviewed should demonstrate the necessity of developing and adopting more flexible approaches to academic freedom than was the case in the past. In fact, future approaches might be completely different from current ones.

For centuries, the traditional structures of universities were exclusive. Although they bore the imprint of their surrounding societies, they had certain traits in common, the result in part of the practice of self-isolation with regard to other socio-political, socio-cultural, and socio-economic institutions in society. Nothing, however, can avoid changing, least of all universities. Even their aims and means have undergone considerable modification.

The industrial revolution gave rise to great changes in university curricula. Because of time-lag on the part of universities, some of the most popular academic fields came to be the very ones which did not appear in traditional university curricula. Eventually they were assimilated into university course programmes. The same sort of situation prevails today in the domain of environmental studies.

Urgency of academic freedom

In fact, one is led to conclude that universities are like living organisms which must adapt in order to survive. They can reach into their very essence, their universality, to find workable solutions to all their problems. This universality, which makes them dynamic and flexible, can be made to coexist with their particular traditions.

The conditions of today require that universities promote solidarity among themselves. Indeed, such solidarity is more important than the formal bilateral and multilateral relations which they may entertain between and among themselves. The need for mutual understanding and compatibility requires the establishment of certain common standards without any loss of unique features and identities.

As new conditions have required universities to assume new responsibilities, questions of academic freedom and university autonomy must per force be viewed in a new light. One can no longer imagine academic freedom without academic responsibility of a kind which is shared by all members of the university community, be they students, academic staff members, or administrators. Academic responsibility, in short, must be defined very broadly to cover every aspect of education, research, and academic ethics. Only in this way will universities be able to maintain their leading roles in society.

Links between freedom, autonomy, responsibility, and democracy

Academic freedom is very closely linked to academic responsibility. In other words, it is a function of responsibility. The extent to which responsibilities are fulfilled determines the degree of academic freedom. This relationship is delicately balanced and is only operational within the academic network. Any external force will only give rise to unexpected conflicts and serious reactions on the part of every level of the academic hierarchy, the latter generating more disorders and thus entailing greater restrictions on academic freedom and university autonomy.

There are important differences between academic freedom, autonomy, and independence.

Universities are autonomous so long as they retain their democratic organs and so long as these organs continue to operate as decision-making bodies with regard to every matter related to academic life. In the contemporary world, however, neither individuals nor institutions can be regarded as fully independent; on the contrary, they are becoming more and more interdependent because no structure can maintain itself isolated from other structures or bodies.

Universities have increasingly taken on new responsibilities with regard to global problems and peace. Individual faculty members and university units, sensing these new needs and requirements, are attempting to shoulder these heavy responsibilities.

Without the support given by autonomy, freedom cannot be operational. In a situation in which freedom ceases to be operational, universities will become totally silent. This sort of silence would be dreadful for the universities concerned and for the societies of which they are parts. Without the products of free thinking and creative minds, the seeds of creativity cannot germinate.

A second equilibrium which must be taken into consideration is that of freedom versus quality, particularly as academics tend to express opinions and to hold open discussions on almost every subject. Quality and freedom when properly linked form the indispensable basis for academic dignity.

The need for investment

To attain the required quality, however, requires major investments. In fact, these are what are most required in order to improve the quality of education and research and to create the infrastructure of reliability.

All over the world, however, economic problems have unfortunately done much harm to universities, virtually all of which are suffering from lack of sufficient funding to support education and research at desired levels. A result of these conditions has been attempts to steer academic institutions towards subjects and fields of commercial value. Although such a solution might solve certain financial problems, they might also contribute to turning academic institutions into business enterprises. Thus only subjects or fields of economic value would be offered; many others of academic and scientific value, even some of vital importance to mankind might be completely neglected. The fact that some fields more than others are able to generate extra-budgetary resources may lead to serious conflicts within institutions.

The attitude which views higher education as a kind of business must be abandoned. Both governments and societies must learn to appreciate the importance of academic institutions for the advancement of humanity.

The role of multilateral co-operation

In order to advance knowledge, multilateral academic co-operation and coordination are needed. Economically developed countries are expected to make the largest contributions to this type of activity.

A dominant characteristic of the late twentieth century is the rapid development of the new information and communication technologies. These have provided valuable means to attain and to link up sources of knowledge, transmitting the latter very rapidly. But these technologies are very costly and tend therefore to be more or less limited to the economically developed countries. By the time developing countries achieve a certain level of expertise in this domain, most of the knowledge which they have acquired is out-of-date, superseded by more advanced forms of knowledge.

The conventional way by which knowledge is transmitted is through books and periodicals; however, for many universities, these items are almost out of reach because of escalating prices. Given these circumstances, the academic institutions of the economically developed countries must not hesitate to contribute to the development of institutions in the less developed countries. Some developed countries, however, have adopted policies having the opposite effect. They view students from the less developed countries as sources of revenue.

What is urgently needed here is mutual trust and respect among nations in the domain of higher education. All possibilities for the establishment of integrated academic approaches must be explored, for universities have the common task of facilitating the discovery and the production of the advanced knowledge needed to better serve humanity.

In order to further the advancement of knowledge, one of the most important tasks of universities is to educate for truth in freedom. Education of this sort is expected to lead the way to knowledge through an active imagination which liberates the mind. The words of Wilhelm von Humboldt come to mind:

> Without a scientific research function, universities... would... function as high schools. A university is owned not by the state but society; thus the university is responsible to society.

No matter what model is adopted; no matter what names are given to the administrative structures and organs of universities, if the relationships analyzed above are clearly perceived and made operational so as to create vivid, vigorous, and progressive academic institutions, there is great hope for the advancement of knowledge in a free academic atmosphere.

Conclusion

The advancement of knowledge is very closely related to academic freedom. The latter covers freedom of institutional management and administration in an atmosphere of freedom which includes freedom for the academic staff to engage in self-improvement, freedom of ways and methods of teaching; unrestricted access to sources of information; free contacts among scholars at the international level for research and study; freedom for students to have unrestricted access to social and cultural life; and freedom with regard to the establishment of co-operation with international establishments and other academic institutions.

Such freedoms, however, are very closely linked to solidarity among academic institutions, neither of which can be experienced without responsibility which is the *sine qua non* of autonomy. Although this conceptual basis is essential for the creation of a viable university as well as for the advancement of knowledge, neither will materialize without sufficient investment. All these concepts are linked as in a chain whereby cause and effect play major roles. All who aim at the advancement of knowledge must clearly understand this complicated process.

Academic Freedom, Autonomy, and Accountability in the Restructuring and Coordination of Multi-university National Systems

Arif ÇAGLAR

L'auteur met en évidence les avantages offerts par les systèmes universitaires multiformes qui proposent une meilleure formation et permettent une gestion plus efficace des fonds alloués. Parlant d'une seule voix, ces systèmes sont réellement écoutés par les autorités gouvernementales, auxquelles ils transmettent des signaux autorisés. De toute évidence, la nécessité de recourir aux deniers publics empiète en quelque sorte sur l'autonomie universitaire, mais une fois réunies dans un système, les universités sont mieux armées pour faire valoir leur point de vue. De même, tout gouvernement peut mieux traduire dans les faits des programmes à longue échéance s'il a des partenaires de dialogue forts et crédibles.

Introduction

Universities originated as private institutions. The idea of a state or national university evolved relatively recently in historical terms. Conceived in the belief that liberal learning and advanced knowledge must be put within the grasp of all, state universities, particularly in the United States, rejected exclusivity in admissions and narrowness in study. To foster social improvement and economic development, public institutions provided a wider range of career preparation than other colleges, made education affordable to many rather than to a few, became a source both of new knowledge and of its application to farm and community, and showed a developing society the importance of lifelong education.

The organization of public universities into university systems is still more recent. This phenomenon is a consequence of academic evolution, administrative consolidation, and political preferences. The formation of a multi-university national system is a further refinement in this context.

The art of preserving academic freedom and institutional autonomy, yet providing a responsible stewardship of public trust as well as funding on a national scale, requires the maintenance of a rather delicate balance.

In the national context, a public university represents an attempt to provide society with a means by which education becomes an agency of social change. Universities in a democracy must themselves be truly democratic communities. They must make training available to all citizens and undertake efforts so that all groups within given societies are fully represented not only among students but also among staff members. Building such a broadly representative community is a source of strength and excellence in a democratic society. The educational and social mission of a public university system is its justification for existence. The university is part of the indispensable infrastructure for social change and economic growth.

As a new millenium approaches, the promise of public higher education is being severely tested by deepening social needs and fundamental transformations. Without a means for self-renewal, an institution will be beset by inertia. It will continue practices because they are the rule, shunning change simply because it is unprecedented. Because the improvement of higher education institutions is required, a vision must be developed to focus on possibilities rather than on limitations. The promise of the public university is far from being kept unless its potential of service to the nation can be realized.

The traditional organizational model for higher education has been the single, autonomous institution with little or no connection to other peer institutions, with all the advantages and disadvantages that come from individualism. Yet, in the last four decades, a trend to move from single institutions to coordinated systems, in the form of multicampus university systems as in United States and in western Europe and elsewhere, has started to become dominant and has been shaping higher education decisively throughout the world. When a single coordinating body is responsible for a broad range of institutions within a single system, new issues, new policies, and new concerns begin to surface.

Coordination may be at local, state, regional, or national levels. Yet, the public institutions which are facing the pressures of increasing student numbers, rapidly rising costs, and diminishing resources have brought new and non-traditional institutional models, such as community colleges and open universities, into the academic world, and increased governmental participation in the affairs of higher education institutions. The latter has usually begun as a concern for planning and coordination.

The driving force behind planning and coordination has been the effort to manage the crises created by public policies which have encouraged the expansion of enrollments in higher education that could not be accommodated by physical expansion including the establishment of new campuses by existing universities. Also, the impact of contemporary technology and the knowledge explosion on learning, teaching, and the dissemination of knowledge has resulted in special and growing societal needs.

Multi-university systems

All countries are searching for appropriate ways to make structural and policy changes so as to impart increased effectiveness to their higher education institutions. The latter are expected to provide increased services to the national economy, to contribute not only to scientific research efforts but also to the fields of arts and culture, to train a highly qualified work force for international competitiveness, to emphasize quality in education, making efficient use of public resources, and to be accountable to the public.

A large majority of countries have consolidated their public higher education institutions into systems. They have done so primarily to achieve rational resource utilization by systemwide planning and efficient operation and also to implement public policies aimed at the restructuring of postsecondary education on a nationwide basis. The result has been the rise of multicampus university systems, some as mega-institutions with enrollments as high as 400,000, with as many as 64 campuses, and with budgets in the multibillions of dollars. Two good examples of such systems are the multicampus public university systems in the United States and the university system of the Republic of Turkey.

Whereas the Turkish higher education system is still expanding, the U.S. higher education system is now in a steady state: future changes will have to take place in the context of limited growth. In such conditions, internal disequilibria or unsteadiness can exist due to uneven impacts of general restraining factors on individual campuses within the system, especially in times of stress. Yet, the internal differences among campuses help them survive in uncertain times because: (a) young campuses borrow prestige and stability from older ones; (b) financially pressed campuses can receive help from those more abundantly endowed; (c) faculty members can be relocated in times of retrenchment; and (d) a single, prestigious voice in the state or national capital may better command the attention of the legislature or parliament and governor or chief-of-state than several lesser ones.

The limitations to the abilities of multicampus institutions to capitalize on their strengths include the following: Students are not totally subject to institutional control; they cannot be easily redirected from a popular to an unpopular campus solely for the good of the institution. The same is true of the staff; even in times of shrinkage, academic tradition, tenure, and collective bargaining preclude their being relocated. For the same reasons, staff members may be difficult to dismiss.

Resources cannot be freely allocated by the systemwide administration, especially if financial control drifts away from it to governors or parliaments and to statewide or regional coordinating agencies.

If multicampus systems are going to make the most of their unique advantages for survival and effectiveness, they must have considerable flexibility. However, their flexibility can be hampered by (a) undue intrusions by state or national governments; (b) the overly bureaucratized central administrations of the systems themselves; (c) the over-dispersal of authority at campus and department levels; and (d) the introduction of new coordinating centres with control over institutional procedures.

The U.S. systems of higher education can be compared very easily with the national higher education systems of European countries: the American mega-systems with the systems of those nations with populations of 40 million and over; the large systems with those of nations of around 5 million; and the small systems with those of nations of under 5 million.

The increased interest of the public authorities in the affairs of the universities and their demands for more accountability for the use of public resources have elevated the interaction between governments and higher education to new levels of tension. Multicampus university systems have been established in a significant number of the individual states of the United States. These institutions have been quite effective in not only administering campuses centrally and in planning for future demands but also in safeguarding campus autonomy from government intrusions. Also they have mediated among various constituencies within their respective systems and within the respective campuses.

This study is an investigation of the effectiveness of multi-campus institutions as buffer institutions. It will examine the ways in which they counteract external pressures on themselves and resolve internal conflicts, maintaining a proper balance between autonomy and accountability.

The individual campuses are legal entities and have fully developed independent administrative structures with a president at the head of each institution. The central administration does not interfere in the internal affairs of each campus but acts to coordinate financial and academic matters and to allocate resources. The campuses rarely interact with state governments, since doing so is usually the prerogative of the central administration.

Each campus draws upon the central administration for assistance and guidance and upon the system-wide board of trustees for broad policy decisions. Each campus also draws upon the special strengths of other campuses, often developing co-operative cultural and educational events and programmes which the individual campuses could not support by themselves.

The decentralized pattern of administration protects local campus autonomy and promotes efforts in favour of high academic quality. As a multicampus institution, a university system is more than the sum of its parts. Each campus has its own destiny to fulfil, but in so doing, it contributes not only to its sister campuses but also to the university system as a whole.

Although the mission of each institution in the system may be different, each unit should complement the others. The duty of the central administration is to see that academic values are preserved, educational quality is maintained, and that each campus has the opportunity to develop according to its mission and to contribute to society within this mission. To accomplish this task, the central administration provides leadership so that identified priorities and strategies are set and plans to meet future demands are implemented.

Thus the principal system characteristics can be listed under five rubrics:

1. **Campus autonomy** is preserved with regard to academic matters and institutional management;
2. **Central administration**, although less regulatory, is more policy-oriented; with inputs from campuses, the center has the capacity to elaborate a set of priorities;
3. **Resources** are allocated centrally; the way by which resources are allocated to the individual campuses is intended to encourage initiative and responsible action; the main question is not so much one of the size of resources but of how they should be allocated;
4. **Coordination activities** notably involve campuses but also other public agencies and private institutions;
5. The system is the **guardian of public needs** and provides good stewardship as well as applied capacity to interface with industry, business, health agencies, and other sectors of education.

The authority and the tasks of the system administration can be listed schematically as follows:

1. Appointment of executive heads (of the system and of the campuses);
2. Allocation of resources including budgeted funds among campuses;
3. Planning and establishing of new institutions and campuses;
4. Approval of new academic units, programmes, and degrees;
5. Setting standards for admission and graduation;
6. Formulation of personnel policies and employment conditions;
7. Expenditure and committal of appropriated funds;
8. Control over self-generated revenue;

9. Setting the tuition fees and differentiating them with regard to different programmes and campuses;
10. Ability to contract debts;
11. Determination of the equivalence of diplomas and certificates obtained abroad;
12. Strategic planning at system level and approval of campus plans.

The advantages of multi-university systems over individual, autonomous campuses can be summarized under 7 headings:

1. Optimal allocation of resources, programmes, enrollments, and responsibilities among institutions;
2. Resolution of conflicts among campuses and regulation of competition;
3. "Union is strength" in the political arena and with regard to the advocacy of public issues;
4. The buffering of campuses from governmental intrusion and the protection of academic freedom and institutional autonomy;
5. The sensitization of the individual campuses with regard to public needs;
6. The upholding of high standards with regard to the stewardship of public trust and funds as well as to the maintenance of accountability;
7. The realization of economies of scale and efficient use of facilities due to consolidation and coordination.

The interaction of academic freedom, autonomy, and accountability in multi-campus university systems

From the point of view of the public authorities, the patterns sketched above worked well insofar as they led to the growth of each institution or segment. When institutions began to expand beyond the ability to fund them, the public authorities reacted by formulating priorities in matters of finance and new programmes. The need to find solutions to the resulting problems gave rise to the emergence of state systems of higher education. At different times and in different states, different structures of higher education systems emerged. However, in times of economic decline, the impact on quality as opposed to quantity will be profound. In adjusting the capacity to the demand without sacrificing quality, diversity, and mission, one must consider which programmes to consolidate, strengthen, or eliminate, and which institutions to favour. Consequently, the governments and the higher education institutions must work out new relationships if they are not going to end up on collision courses.

The key factor in the relationship between higher education institutions and governments is the balance between autonomy and accountability. This balance can be facilitated and even stabilized by a buffer institution. The issues of academic freedom, institutional autonomy, and accountability are raised when buffer institutions begin to make strategic decisions with regard to the allocation of resources to universities according to social priorities and national needs. Thus, buffer institutions with well-defined functions and mandates are essential. Such buffer institutions provide interfaces between academic institutions and governments in either their executive or legislative roles. They translate public will and demands to academic institutions. On the other hand, they serve as intermediaries in transmitting institutional needs and demands to governmental circles. At the same time, they provide a cushion or a shield for institutions (in the absence of which governments could be overly intrusive or mercurial).

In a discussion of the role of buffer institutions, the concepts of academic freedom, autonomy, and accountability need further elaboration.

Academic freedom

Academic freedom, so far as the United States is concerned, was described in a modern context for the first time in 1915 in a statement prepared by the American Association of University Professors. The main points raised in this statement can be outlined as follows:

- the protection of scholars in their efforts to teach and to publish;
- the right of professors to speak their minds as teachers and scholars;
- the guarantee of tenure (protection from dismissal except for proven incompetence or moral dereliction);
- the right of faculty members to have hearings if accused of breaches of discipline;
- the university as a "nonpartisan forum detached from the disputes and struggles of the outside world" (although individuals may express their opinions on controversial issues, academic institutions themselves should observe strict neutrality with regard to all political, economic, and social issues; neutrality is more than a shield against governing boards; it is a form of social contract with society at large).
- recognition of *institutional autonomy* in matters of educational policy:
- curricula should be established by the faculty, not by outside groups;

- admissions policies should be established by the institutions themselves;
- academic standards should be fashioned for the sole purpose of carrying out the educational aims of institutions.

Although universities insist on the greatest possible freedom from outside interference with their teaching, research, and educational policies, they must refrain, in order to merit such protection, from taking official stands or exerting collective pressure on behalf of their own political objectives. However, if they abandon official neutrality and begin to press for specific social and ideological goals, the custodians of power (trustees, alumni, or others) may not exercise such restraint let alone continue to provide financial support.

These principles of **academic freedom**, **autonomy**, and **neutrality** were adequate to protect faculty members from the meddlings of a distant and conservative world. After the Second World War, universities changed radically. Student populations underwent unprecedented expansion. Vast building programmes were undertaken to accommodate students. In the United States, the federal budget for campus research expanded. Faculty members became increasingly prominent as advisers to corporations, foundations, and governments.

In the discussion of the role of buffer institutions, the concepts of autonomy, academic freedom, accountability, and the links among them are given great priority.

Autonomy

Autonomy can be defined as the concern of an institution with its own internal decision-making processes with regard to academic affairs, faculty and student affairs, business affairs, and external relations. Another way to express the concept is: "the ability and the competence to make important decisions without external restraints". Therefore, autonomy can be taken to mean self-government by any entity, whether an institution or an individual.

It can be situated at two levels. In traditional continental universities, senior professors have autonomy not only because of the tradition of professional freedom but also because they are high-level civil servants. In the United States and the United Kingdom, autonomy resides primarily in the institution itself.

At either level, autonomy has always been considered necessary for the maintenance of the unique position of universities in society.

In the contemporary world, universities and society have become dependent upon each other. Higher education is an essential component of industrial and economic progress, and in turn, higher education looks to governments and industries for funding and for other kinds of support. Therefore, financial aid is an important element in this interdependence.

Public financial support brings more demands for accountability and coordination.

Rising costs, scarcity of funds, and the short supply of scholars in certain fields have led to the specialization of campuses. This development in turn has stimulated a search for coordination which has affected autonomy. Universities have traditionally feared that collaboration and co-operation among institutions would lead to loss of autonomy and independence. Yet, there are kinds of working relationships that do preserve independence. Within a system of higher education, the campuses can maintain their independence and re-establish the tie between autonomy and integrity. In addition to the involvement of the individual states of the United States in higher education, the expansion of federal financial support for higher education has brought with it demands on both public and private institutions with regard to issues ranging from student access and faculty and staff appointment and employment, to the operation of facilities. These can be interpreted as containing elements that influence institutional autonomy in the classical sense. Consequently, the best guarantee of institutional autonomy is to have many sources of financing, rather than one, such as the national treasury. Thus, the universities should try to extend and diversify their sources of revenue.

The relationship between academic freedom and institutional autonomy

Academic freedom and institutional autonomy are clearly not the same thing, even though they are often discussed as if they were both synonymous and inseparable. It is important, therefore, to try and disentangle the two concepts and to view them in their true relationship.

Academic freedom relates to academics, that is to individuals, whereas institutional autonomy relates to institutions, the employers of the individuals. The important issue, then, is whether or not it is possible or desirable to have academic freedom without institutional autonomy, or vice-versa.

The existence of institutional autonomy in no way guarantees academic freedom. It may be a necessary but not a sufficient condition. Academic freedom is needed at least as much to protect individual academics from other academics as from politicians, the clergy, the press, and members of the public. Academic institutions, whether autonomous or not, are quite capable of being oppressive with regard to their individual staff members. If institutions are truly autonomous, it may be much more difficult for a threatened individual to gain effective redress or appeal against the judgments of such institutions.

It, in fact, is possible to have *academic freedom without institutional autonomy*, and vice-versa; however, the two concepts tend to be mutually supporting. Both should be encouraged if each is to flourish.

The steadily increasing reliance of universities during the twentieth century on government support has effectively destroyed the traditional linkage between academic freedom and institutional autonomy. Even in the United Kingdom, institutional autonomy for higher education has been made conditional on the satisfaction of parameters laid down by the government.

If institutions of higher education wish to increase or even to maintain their autonomy, they will either have to demonstrate their worthiness to their present paymasters or diversify their sources of financial support. As was expressed by a British minister, "Every step that the higher education institutions can take to increase contributions from the private sector will be a step towards the greater reality of academic freedom and real independence".

While academic freedom may be given to or assumed by academics as a privilege or as a necessary part of their jobs, its assumption carries with it an inevitable *quid pro quo* in terms of expectations, responsibility, and accountability.

There are two levels of responsibility required of academics in their exercise of academic freedom: that internal and that external to academe. The internal responsibilities involve a due regard for the academic freedom of other academics, the positive encouragement of academic developments, and an acceptance of the procedures adopted for the safeguarding of academic freedom.

External accountability may be formal or informal, direct or indirect, to society in general or to its representatives (notably government, but also other bodies). It is owed to society because society is the major funder of higher education as well as its major beneficiary.

Government in recent years has shifted this boundary in its favour and now requires a greater degree of accountability from higher education. Academics and their institutions are not merely in the business of advancing knowledge, but should also be concerned with making their discoveries and understanding available to as many persons as possible, explaining what they are trying to do as they do it. Accountability, if properly handled, which does not mean the insensitive application of standardized, quantified performance indicators, or the endorsement of the ill-informed opinions of a self-selected group of senior academics, can and should be positive, useful, and encouraging.

It is here that the national multi-university system comes into the picture, providing the milieu for a proper balance between responsibility and privilege.

Accountability

Accountability is a relatively new concept in higher education for which no reference is available prior to 1970. Yet the principle of accountability is by no means new. "To be accountable" has meant "to be answerable legally or morally for the discharge of some duty or trust". According to a Carnegie Council report: "External authorities are exercising authority over higher education, and institutional independence has been declining. The greatest shift of power in recent years has taken place not inside the campus but through the transfer of authority from campus to outside agencies". Examples of such over-regulation, however, can be observed universally in institutions throughout society. Therefore the case for accountability should be viewed in political terms rather than as a moral issue.

Distinctions between control and accountability are crucial unless government can maintain appropriate restraint in its dealings with higher education: either the development of higher education will be hampered or in the extreme case, government will be encroaching on the autonomy and the established agenda of higher education.

General demands for accountability have focussed on the following anticipated results: (a) the achievement of increased productivity; (b) increased efficiency; (c) measured educational outcomes; (d) greater relevance; (e) development of non-traditional and continuing education; (f) greater openness and accessibility; (g) increased flexibility and an end to rigidity; and (h) the implementation of participatory systems of governance.

The emphasis on accountability in recent years is the result of the disenchantment of the public with the performance and potentialities of existing institutional forms. The demand for accountability has also gained impetus through pressures for greater participation in decision-making. In the name of accountability, universities are required to assume greater responsibilities outside their traditional functions. Therefore, efforts must be made to separate legitimate demands from unreasonable or even illegitimate ones.

Accountability is the hierarchical relationship of various levels of authority directed at the carrying out of a set of duties. The higher authority delegates to a lower authority which in turn becomes accountable to the higher authority.

Accountability is a one-way phenomenon. Each level is accountable to the level above, but not vice versa. However, the higher level has responsibilities with regard to the lower level. Therefore, "to be accountable" is not identical to "being responsible". The accountable level must be allowed a measure of autonomy appropriate to the nature of the task for which it is responsible. General policies may be set by the organization at large, yet with regard to implementation, in order to deal with sudden contingencies, responsible judgment must be exercised (since it is impossible to fully specify the rules governing the conduct of an office holder in every conceivable situation). One good maxim to remember is that "only an autonomous decision-maker can be held accountable". For accountability to exist, the accountable office holder must have at his command adequate means and resources to execute his trust. If sufficient means are not available, execution of a task cannot be morally or rationally expected.

Policy making and planning

Two major processes in government-university interactions are public policy formulation and the planning of multicampus systems.

Policy making

Public policies are set within a context of societal expectations, demands, and constraints directed toward the solution of societal problems or the resolution of common issues. Public policy structures at local, state, and national levels have been showing a growing concern for involvement in higher education. This concern is demonstrated by the review of the programmes and policies of higher education systems and institutions by these external agencies and by the increasing numbers of governmental regulations concerning higher education.

The characteristics of higher education policy making are very complex. Frequently they consist of an intermixture of political and policy making activities which occur within as well as across institutional and governmental levels, focussing on a variety of policy areas. However, the separation of politics from policy involves some ambiguity.

The interdependence of higher education and public authority should not be overlooked in interpreting issues and outcomes. The tension between the aspirations of the system and the constraints of statewide or national master plans may impede the competitive edges of systems for status, clientèle, resources, or political influence within a state.

Planning

The second most important process is the system-level planning of multicampus universities. Planning strategies for single campuses are not sufficient for university systems. Each campus may develop plans independent of others; however, the system-level plan is not a simple combination of unit plans. It is rather an integrated aprroach to the needs and strengths of the system. The challenge for planning in a multicampus system is one which can be met by greater coordination and integration, i.e. "the system itself is greater than the sum of... its individual campuses". The process of system-level planning must account for and facilitate the interaction of administrators and faculty members from different campuses and create a context in which all can be meaningfully involved.

To facilitate the development of more effective procedures for system-level planning, criteria unique to it must be considered. To achieve set goals, system planning must avoid constraining the individuality of each campus by forcing artificial conformity. Rather, it should permit each campus to elaborate unique mission statements and promote its own areas of excellence. These areas of excellence differentiate one campus from another while helping the system realize its whole potential.

Unique criteria for effective system-level planning include the following: (a) the articulation of appropriate goals; (b) the demonstration of relevance; (c) the preservation of the individuality of campuses; (d) the incorporation of resource allocation; (e) the coordination of decision-making; (f) the fostering of co-operation among campuses; (g) the facilitation of communcation with internal and external publics; (h) the promotion of accountability; (i) the facilitation of competition with other agencies; (j) the coordination of change; and (k) the facilitation of future planning.

Plans should become the benchmarks of campus accountability. Within the confines of the plans, campuses should receive the fullest possible authority and autonomy. System and state officials should judge system-level proposals and actions solely on the basis of whether or not they seem consistent with the agreed-upon plans.

Implications for the new emerging democracies

There is great interest in the world with regard to the new states which have emerged from the dissolution of the Soviet Union, an interest which, of course, extends to their higher education systems. The leaders and policy planners of these systems are seeking solutions to the problems of reorganization and restructuring. They wish to westernize systems which are still massively centralized with regard to policy formulation, planning, and administrative apparatus.

The higher education system of each of these republics was an integral part of the higher education system of the Soviet Union as a whole. Several attempts have been made to revise both the overall system and those of the individual republics, in conformity with their new status. Change, however, has been slow due to extremely centralized control, the monolithic structure of the system, and the lack of incentives to emulate Western models. At the most, the changes initiated so far have been efforts to improve along the lines of past practices, not to make deep-rooted reforms.

In addition, until recently the Soviet higher education system had as its primary mission that of educating along the uniform principles of socialist education. The recent political changes, however, have brought about the possibility of democratizing higher education and of imparting to it the mission of furthering objective scholarship rather than political dogma and of adapting it to rapidly changing social conditions at home as well as integration into developments in the Western World.

In the Soviet education system, the universities, colleges, and research institutes occupied key positions as determined "by the roles they play[ed] in socialist society: an active part in the solution of all major tasks of a socialist state...." The training and further training of individuals which represented a continuous process of lifelong education with an emphasis on "moral education" was also an integral part of the Soviet system.

An important result of higher education in the socialist countries was a guarantee of employment for all who did not misconform to the demands of the political system. Imparting a consciousness of individual responsibility to retool to new technologies, market forces, and social restructuring must now become a part of the current system.

Current trends

The *perestroika* and *glasnost* movements in the Soviet Union gave rise to social and political changes of almost epic proportions. The higher education systems of these countries are contributing to the national debates on how to establish a new order. The high hopes for the reform of the curriculum, the improvement of conditions in the various institutions and systems (with respect to autonomy and academic freedom), the modernization of facilities, and the transfer of up-to-date technology into them are being reinforced by a just as great desire to become integral parts of the Western academic world. These expectations can be met if high level academic leaders and higher education policy planners can find the means to observe and to emulate the practices of Western institutions, adopting them to meet their own needs.

These countries attribute high prestige to the Western, especially the U.S. higher education institutions and their practices of governance, management, and quality maintenance. Thus, it may be beneficial for them to be familiar with American and other Western experiences in higher education. The public systems of higher education in the U.S.A., which come closest to resembling the national systems of higher education in the European tradition, have the most to offer the education systems of these new states.

Possible issues of importance with regard to the restructuring of higher education in the new democracies are as follows:

Integration with Western Higher Education: The pattern seems to be one of adapting ideas and practices that make sense, not simply copying ideas.

Restructuring of degree programmes: The shift to a 2 + 2 system of associate and bachelor's degrees might facilitate integration into the

Western system. Degree programmes should be modified in favour of flexibility with regard to curriculum and teaching.

Quality assurance: A concern about quality assurance as a consequence of the dispersal of authority may be an issue. However, the multi-campus system type of restructuring may be the solution.

Organizational change: Reorganization according to the department model rather than the chair or institute model may be a worthwhile approach.

The reform of the social sciences and the humanities: The social sciences and the humanities should be shifted away from an over-emphasis on Marxism-Leninism to new approaches to the teaching of political science and economics.

Formation of multi-university national systems: As part of this process, major efforts with regard to the merging, consolidation, and closing down of institutions may be necessary not only to benefit from economies of scale but also to avoid the expensive duplication of technology-based courses.

Reorganization of systems in favour of decentralization: Higher education officials should actively plan ways to move the policy-making process downward organizationally and to implement procedures to give decentralized bodies greater decision-making control and more flexibility to respond to local needs.

Major issues which may have implications for the new states

1. Trends in higher education particularly emphasizing policy formulation and implementation, issues of governance, planning, management, and finance;
2. Matters of curriculum, accreditation, evaluation and assessment, academic degree structures, and equivalency;
3. The structure of research and development in the universities as well as administration and funding at national and institutional levels; special emphasis on scholarship in all disciplines underlining objectivity in the social sciences and the humanities; co-operative programmes, technology transfer; business-university partnerships; and income-generating activities;
4. Democratic practices at all levels;
5. The internationalization and globalization of higher education with special emphasis on co-operation, exchanges, study abroad, foreign student recruitment, student counseling, and the award of scholarships and graduate assistantships;

6. The standards for the equivalency of certificates, diplomas, and degrees with a global perspective in mind as well as preparation for future academic linkages which may lead to exchanges of students, scholars, administrators, and publications and to the formation of joint committees to study issues of co-operation and coordination in higher education of bilateral and global importance.

Future outlook

Universities are trying to respond to new pressures and conditions. They are searching for ways to maintain dynamism and the quality of higher education in a period of diminishing resources and increased retrenchment.

The state or national government is currently the major player in higher education and will continue to be so in the future. Increasingly active roles in the affairs of higher education are being played by state agencies. Such internal matters of higher education, including academic programme planning and review, are currently among the concerns of statewide planning and coordination.

Conditions inherent to government bureaucracy limit the capacity of the latter to regulate campuses effectively. There is frequent turnover at the top in many government agencies. When new administrations take charge, they may introduce new legislation which changes the shape and character of existing programmes. Lack of continuity in government action is sometimes simply the result of poor administration or bureaucratic sluggishness. Government supervision is limited because of the obligation of public agencies to treat all cases uniformly. The ambitious range of bureaucratic oversight generates a work load that the government itself cannot handle. Although the bureaucracy demands accountability, it provides very few incentives for responsible decision-making.

From the point of view of academe, the following would be a checklist of imperatives for state and national governments: (a) to maintain current levels of support; (b) to provide tuition grants to all needy students; (c) to assist institutions in adjusting to changing needs; (d) to avoid excessive regulation; (e) to employ flexible funding formulae; (f) to encourage institutional co-operation; (g) to ensure statewide coverage of open-access institutions and of area health education centres; and (h) to expend public funds in ways which guarantee the maximum of institutional autonomy.

The external pressures on higher education are not likely to subside in the near future. If the universities can devise creative and proper responses to these pressures, their health and the status of their academic constituents will be guaranteed.

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Public Universities and State Governments: Is the Tension Benign?

Robert BERDAHL

En faisant siennes les nuances établis par Eric Ashby entre la liberté et l'autonomie universitaires, l'auteur passe en revue les tensions qui risquent d'opposer les universités publiques et gouvernements les états aux États-Unis. Si naguére les universités pouvaient se permettre le luxe d'une autonomie presque totale en raison du petit nombre d'étudiants qui les fréquentaient, les grands établissements de nos jours doivent composer avec les autorités qui contribuent à leur fonctionnement et qui exigent un droit de regard sur la manière dont est dépensé l'argent public. Néanmoins, l'autonomie peut être sauvegardée si les établissements universitaires décident en toute liberté le contenu du cursus tout en réagissant aux signaux envoyés par le marché du travail. Certains problémes trouveront leur meilleur solution par l'action d'organismes 'tampon' bénéficiant de la confiance des établissements universitaires et des autorités publiques.

Introduction

The title of this article reflects a long-standing interest of the author since graduate school days in political science at the University of California at Berkeley when, as a half-time administrative analyst in the office of the President, he had occasion to observe the inevitable tensions between the state government and its public university system. Governor Goodwin Knight wanted the University to "marshall its resources" to help solve the well-known southern California smog problem. President Sproul carefully chose a response pattern which combined sensitivity with regard to the responsibilities of the university to the state and the public interest, with a concern to protect the integrity of the way the university responded. A University-wide Committee on Research in Air Pollution was formed (the author served as secretary) which undertook both an inventory of past and existing relevant university research, the aggregate total of which was not yet appreciated by the public, and a prospectus of new research projects appropriate to the mission of the university for basic research, which could be begun if the necessary funding were obtained.

Yes, there was some tension on that issue, and yes, there are tensions in a host of other areas between the demands of a state for both utility and accountability and the needs of a university for both academic freedom and autonomy. Using Eric Ashby's distinction (1966) between academic freedom and autonomy, this article argues that relations between universities and governments can vary from "benign" to "pathological", depending on the nature of the particular issues involved and the local political culture, often heavily influenced by the nature of the buffer agenc(y)ies set between the contending parties.

A major source of current friction is that many academics are trying to protect too much, and many persons in state governments are trying to claim too much. A fundamental cause of this confusion is the failure of persons on both sides to recognize that academic freedom and university autonomy, although related, are not synonymous, and that university-state relations in the one area may quite properly differ from those in the other.

Thus, what follows will suggest that universities are distinctive social institutions which deserve special treatment regarding their academic freedom and procedural autonomy, but that the State has a very legitimate partnership role in respect to substantive policies, a role which should be expressed through a suitably sensitive on-going buffer mechanism.

Universities as distinctive social institutions

Universities have generally had ambivalent relations with their surrounding societies: both involved and withdrawn; both serving and criticizing; both needing and being needed. Eric Ashby has identified the central dilemma of this ambivalence: a university "must be sufficiently stable to sustain the ideal which gave it birth and sufficiently responsive to remain relevant to the society which supports it" (1966, p.3).

The medieval universities in Europe developed as supra-national institutions under the jurisdiction of a distant Pope and operated in a "uniform cultural milieu" which allowed them to combine practical learning for one of the "higher" vocations or professions with a search for universal truths. Later, when nation-states replaced the churches as the dominant authorities over universities, the latter were often able to retain significant degrees of autonomy as they struggled to render proper accountability to the State. Clark Kerr has pointed out how remarkably stable many of these medieval universities proved to be:

> About eighty-five institutions in the Western world established by 1520 still exist in recognizable forms, with similar functions and with unbroken histories, including the Catholic Church, the

Parliaments of the Isle of Man, of Iceland, and of Great Britain, several Swiss Cantons, and seventy universities (1982, p.152).

Of course, it was easier for a nation to grant its universities considerable autonomy when only a small proportion of its youth was attending, when these students were not going much beyond the trivium and the quadrivium in their curricula, and when few, if any, public funds were involved. In the nineteenth century, however, three developments were to occur which would lead to sharply increased tension in the present between autonomy and accountability. First, from German universities spread the greater importance of science and research as basic components of higher education, and governments began to see the direct links between universities, economic growth, and military strength.

Second, the Morrill Land Grant Act of 1862 in the United States led to developments which broadened curricula to include the agricultural and the mechanical arts and diversified higher education institutions. Thus a larger and more heterogeneous student body came into being necessitating higher public costs and ultimately bringing forth the notion of university public service. This American pattern, like the German pattern, ultimately spread to other countries.

Finally, increasing sophistication in the art of statecraft led to the widespread tightening of public practices of accountability, particularly those related to the expenditure of tax dollars.

In a stimulating essay (1974), Martin Trow has shown how the nature of the autonomy/accountability issue changed as higher education moved from what he termed an "elite" to a "mass" system (that is, how it evolved from educating under 15 percent of the college-age cohort to a figure somewhere between that and 50 percent). Trow also carried his analysis a step further by examining the probable consequences of another transition to what he terms "universal access", so far experienced mainly in parts of the United States in which some state jurisdictions now send over 50% of their high school graduates on to college. Trow points out that as public systems become larger and more costly, the governments in question become both more interested in the educational results and more concerned about accountability for the substantial funds involved.

A matter of definition

In discussing the increasingly complex relations between universities and governments, one must distinguish among the several related terms already mentioned. Words and phrases sometimes mean different things to different people based on the frame of reference which each brings to the issue.

In the case of this article, the terms autonomy and accountability at first glance do not seem to present semantic problems. Taken simply, autonomy means the power to govern without outside controls, and accountability means the requirement to demonstrate responsible actions. In theory, the argument has been made that there is no incompatibility between being both autonomous and accountable. In practice, one senses that usually where more accountability is required, less autonomy remains. The ideal to be sought seems clearly to be a balance of both conditions. Too much autonomy might lead to unresponsiveness on the part of universities to society; too much accountability might destroy the necessary academic ethos.

The problem, however, is even more complicated. Upon closer examination, one needs to make more subtle distinctions under each major heading. For example, given academic complaints about external "intrusions" into institutional autonomy, one would like to know whether the action in question was an issue of academic freedom or one pertaining to substantive or procedural autonomy. For it is argued here, again following Ashby's lead (1966), that academic freedom and institutional autonomy are not the same thing, and that the reactions of academe should reflect these distinctions.

Academic freedom is that freedom of the individual scholar in his teaching and research to pursue truth wherever it seems to lead without fear of punishment or termination of employment for having offended some political, religious, or social orthodoxy.

Substantive autonomy is the power of the university or college in its corporate form to determine its own goals and programmes - the **what** of academe.

Procedural autonomy is the power of the university or college in its corporate form to determine the means by which its goals and programmes will be pursued - the **how** of academe.

A somewhat similar three-way breakdown of university-government relationships was also suggested by the Carnegie Commission (1973) and by Frank Newman in his 1987 book, *Choosing Quality: Reducing Conflict Between the State and the University*. The Carnegie Commission referred to academic freedom as "intellectual independence", while Newman spoke of "ideological intrusions". The Commission called procedural autonomy "administrative independence", while Newman spoke of "bureaucratic intrusions". The Commission qualified substantive autonomy as "academic independence", while Newman spoke of "political intrusions".

These three terms are obviously interrelated; for example, a college enjoying greater autonomy would seem more able to protect the academic freedom of its faculty members (however, autonomous Oxford and Cambridge in the early nineteenth century themselves denied academic freedom to their faculty, and non-autonomous Berlin University became known for its *Lehrfreiheit*). Along another dimension, a government could impose such a heavy set of procedural controls that they would have serious impact on the ability of a college or a university to achieve its self-chosen substantive goals. Notwithstanding such blurring of categories in real life, the argument is made that in analysing the relations between higher education and government, it would be helpful to keep these three terms conceptually distinct.

Ashby sees academic freedom as an "internationally recognized and unambiguous privilege of university teachers" which must be protected whenever and however challenged. In contrast, "the question as to what constitutes autonomy in universities is anything but unambiguous, and the patterns of autonomy which satisfy academics in different countries are very diverse" (1966, p.293). Therefore, in exploring issues of autonomy it is also helpful to know whether the government is intervening in procedural or substantive matters. The former (e.g., pre-audits, controls over purchasing, personnel, some aspects of capital construction) can be an enormous bother to academe, and often even counter-productive to efficiency, but still usually do not prevent universities or colleges from ultimately achieving their goals. In contrast, governmental actions that affect substantive goals affect the heart of academe. What is needed in this sensitive area then is negotiation of the respective roles of government and universities, leading to some form of partnership and a division of powers concerning who will make which kinds of decisions relating to the substance of academe. Ashby makes the broader point that the real safeguard for autonomy lies in careful definition of "the essential ingredients" and in "ensuring that these are widely understood among the public, politicians, and civil servants". He offers the following as a suggested list of these essential ingredients:

1. Freedom to select staff and students and to determine the conditions under which they remain in the university;
2. Freedom to determine the content of curricula and degree standards;
3. Freedom to allocate funds (within the amounts available) across different categories of expenditure (1966, p.296).

The definition of accountability offered above must also be examined in more detail. To speak of demonstrating "responsible actions" merely begs the question of what constitutes such actions. In the United States federal system, most issues relating to accountability arise at the level of the fifty state governments.

There are at least three different ways in which one could approach the matter. Actions can be examined for their legality, for their efficiency, and/or for their effectiveness, with varying consequences for each aspect. Traditionally, so-called post-audits have been preoccupied with legality and efficiency and through such concerns have brought considerable pressures on universities and colleges to tighten up their procedures for conducting business. Public universities and colleges also normally participate in statewide planning, budget review, and programme evaluation processes in which they are expected to justify their operations and ambitions. In addition to these "normal" modes of accountability, two developments have appeared on the scene in the past decade or so which raise important questions about the traditional arm's length relationship between state power and the substance of academe. In the state legislative world, a performance audit movement has begun and spread widely whereby multi-disciplinary state personnel try to develop from so-called legislative intent a set of quality indicators for effective performance in the public policy area under scrutiny, seek relevant data for such indicators, and then render sweeping judgments about whether or not the state is getting value for money in the area in question. Although, as yet, only lightly used for higher education subjects, this development could, if extended more deeply into academe, greatly affect its substantive dimensions (see Berdahl, 1976).

The second development has occurred among the state governors in the United States. They, like the legislators, have a national association in which new ideas and practices which are thought to seem good spread quickly from one part of the country to another. In this case, the word is "assessment". A recent survey of the 1987-1988 state-level college assessment activities by the National Governors' Association reported that all but seven states had some form of assessment of college learning underway. While the patterns varied all the way from state-mandated student testing in a few states to mild state requirements that institutions develop their own assessment procedures, a double-edged potential is present for both improved institutional self-knowledge and for state misuse of oversimplified and misleading data. An argument to be made below is that the better statewide boards of higher education should use whatever credibility they have with state officials to help keep both the performance audit and assessment processes as constructive as possible.

To summarize this first set of categories: First, governments in general ought to stay out of any issues which threaten to lessen the vital academic freedom of persons undertaking teaching and research at universities and colleges. It is a delicious paradox that wise societies fund their universities and colleges not only to maximize the development of their citizens, not only to promote economic growth and military security, but also to serve as privileged sanctuaries for critics of that very society. There is no way to tell which of today's professorial 'mavericks' will be tomorrow's 'prophets', and a healthy relationship between universities and government will accept that fundamental principle of the role of higher learning.

Second, governmental procedural controls are probably counterproductive and certainly irritating but do not justify the same shrill note of academic outrage which might be voiced at threats to academic freedom.

Finally, in the crucial domain of substantive autonomy, states and their universities must somehow form a constructive partnership in which, while *force majeure* obviously lies with the state, there should be sensitive mechanisms for bringing together state concerns with accountability and academic concerns with autonomy.

Co-operation, coordination, consolidation

What is needed, then, is some on-going process by which these academic and governmental perspectives may be reconciled. One can envisage at least three major modes of such resolution: some form of bottom-up voluntary co-operation; some variation of top-down consolidated governance; or some intermediate form of statutory coordination which goes beyond co-operation but stops short of consolidated governance.

Here comparative experience suggests (without proving) that voluntary co-operation is normally unable to take the tough decisions because it usually operates on a principle of near unanimity. Vigorous objection from one of the members who might feel threatened is usually sufficient to freeze its forward progress.The consortium movement in the United States bears witness to the limits of inter-institutional co-operation. It can accomplish much that is good, but it normally cannot reconcile strong clashes of institutional ambitions.

While the authority to resolve academic and governmental perspectives could be obtained by a top-down political decision to merge all universities and colleges into one consolidated University, again comparative perspectives suggest that this response could lead to too much accountability and to too little autonomy, certainly at the level of the individual campus. Those states in the United States in which such consolidation has occurred do exhibit stronger powers for top-down retrenchment - and often appeal to political figures who understandably yearn for more simplified patterns of accountability. But these states also often exhibit excessive centralization of powers, and frequently, preoccupation with governance at the expense of careful planning and coordination.

By a process of deduction, it will now be obvious that in rejecting both voluntary co-operation and consolidated governance as effective means of resolving, on an ongoing basis, the legitimate perspectives of both academe and government in the area of substantive autonomy, one is left with the advocacy of coordination as the most desirable (or the least undesirable) means of accomplishing this vital process.

Coordination: political, bureaucratic, academic, and market

The major argument of this article is that a state which carefully honors academic freedom and scrupulously refrains from inappropriate procedural controls may nevertheless harm its system of higher education by intervening inappropriately in substantive matters.

While there are some grounds for hope that the crasser forms of intrusion from legislators and governors may be reduced through the increasing professionalism of groups like the National Council of State Legislatures, the National Governors' Association, and the Education Commission of the States, there is no guarantee that some powerful political figure(s) may not be able to impose some very private policies on higher education in given states at given times. In such cases, one must hope that the private scenarios are not too far removed from the broad public interest or that the political storms will pass quickly and not leave too much damage. Indeed, Senator Terry Sanford, a former governor of North Carolina, confidently argued that "More universities have suffered from political indifference than have ever been upset by political interference." (quoted in Berdahl, 1971, p. 265; also see Gove, 1985, for a more recent analysis of the increasing role of governors in higher education policy-making). Sanford did not, however, explain what might happen when a benign but strong governor who has intervened deeply in higher education is followed by another strong governor much less sympathetic to, or understanding of, the purposes of higher education. The precedent of penetration may be exploited for very different ends. There is clearly no answer to the continuing problem of the interface between higher education and the political process. John Gardner has remarked that "The issue of university autonomy can never be finally solved. It can only be lived with" (1965). Clark Kerr has ruefully recalled how he tried to "live with" the problem of incoming - Governor Reagan's strong disapproval of his handling of the 1964 student uprising. As Kerr later noted, "I left the university as I came to it - fired with enthusiasm!"

In the absence of general principles as to how to deal with the crucial and fundamental problems of interpersonal relations in the domain of educational politics, one turns then to a consideration of other factors which might act to keep the higher education/state government relationships constructive. While statewide boards of higher education vary enormously, throughout the USA, in their effectiveness, those with good leadership, staff experienced in higher education, and good strong lay persons appointed to their boards, do have the possibility of playing helpful roles. After all, governors and legislators come and go, and while in office, they are confronted with myriads of public problems from all sectors of life; so it should not be out of the question that they might turn with some degree of hope for quasi-objective advice on tough issues from a board specializing in the accumulation and analysis of relevant data about higher education. While even a strong state board cannot by itself counter a powerful political culture condoning direct political intervention in higher education, the normal political traditions in the United States point in the opposite direction: that politicians should not directly control university affairs. In such a milieu, effective state boards can strengthen existing positive tendencies.

The structure, functions, membership, and staffing of the buffer agency thus become crucial elements. In discussing the role of such an agency as a potential "suitably sensitive mechanism" in its responsibilities for coordination, one must heed Burton Clark's warning against treating the coordination process too narrowly as a function of a bilateral government - institutional relationship. In an insightful article entitled *The Many Pathways of Academic Coordination*, he urges that, to the political and bureaucratic modes of coordination which we all recognize as traditional, we should add those coming by the academic profession and by the market:

> All... systems involve all four of the major forms specified here and all four are apparently required for effectiveness. The special function of political coordination is to articulate a variety of public interests... as these are defined by prevailing groups within and outside of government. The special function of bureaucratic coordination is to compose a formal system, out of fragmented parts and to provide fair administration. The function of academic oligarchy is to protect professional self-rule, to lodge the control of academic work, including its standards, in the hands of those permanently involved and most intimately connected with it. And the special function of the market is to enhance and to protect freedom of choice, for personnel, clientèle, and institutions, and thereby indirectly promote system flexibility and adaptability (1979, pp. 265-266).

Clark does not argue that each system has equal shares of the four different modes of coordination but rather that the proportions of each vary markedly from one system to another. For example, earlier in the United Kingdom, behind the formal façade of the Secretary of State for Education and Science, the civil servants in that Department, and the University Grants Committee, British academics, according to Clark, played a pervasive role in making the system function. Similarly, alongside the various state structures for coordinating and governing American higher education, Clark underlines the primary role played by market forces based on student choice fortified by institutional, state, and national student financial aid programmes.

The oversimplified arguments connected with each of these modes of coordination run as follows:

Political and bureaucratic coordination tend to overstress accountability and to be insufficiently sensitive to the needs of academe for flexibility and creativity.

Collegial or academic coordination may be too preoccupied with the protection of autonomy and too little responsive to the public interest.

Coordination by market forces is alleged to promote responsiveness to social demand while relieving public authority of the burden and the blame for deciding which programmes and which institutions survive during periods of retrenchment. However, both David Breneman (1981) and Gareth Williams (1983) as professional economists have evoked the severe weaknesses of the market model as a sufficient single answer to the problem of accountability. For example, Breneman has pointed to the bad fit between current conditions in higher education and those which would be necessary for a pure market relationship to exist:

1. "The firms in this industry are not seeking to maximize profits or to minimize costs for a given level of activity..."
2. "The educational services produced by colleges and universities are not priced to the student at marginal cost, average cost, or even full cost..."
3. "The information available to students about colleges can hardly be considered complete (or even adequate) in many cases..."
4. "Some firms in this industry (the state institutions) receive substantial public subsidies, whereas comparable firms (the independent institutions) do not..." (1981, p. 25).

Thus, one is left with Clark's observation that most systems partake of all four elements in varying degrees of balance.

Many state systems in the United States have historically been market driven but have also seen recent increases in political and bureaucratic interventions. To face the sensitive problem of quality controls during periods of retrenchment, one should perhaps hope, in the American context, that mechanisms for increasing the academic components of coordination will appear. This would mean stronger faculty senates at the local governing level and more effective faculty participation in statewide policy processes through such devices as membership on Technical Advisory Committees and participation on system-wide and statewide faculty advisory structures where they exist (The University of Maryland System and the Maryland Higher Education Commission both have provisions for such bodies).

In summary, applying Clark's modes of coordination to Ashby's categories in the context of state systems of higher education in the United States, one can assert that the potentially pathological relationships dealing with academic freedom issues are usually "benign" because of the widespread acceptance of the tradition that governments should not intervene in such matters and because of the heavy reliance of state systems on market forces in lieu of direct political intervention. In contrast, state buffer agencies often mobilize political and bureaucratic support to confront universities on a wide variety of issues related to university autonomy. But such disagreements can usually be considered a healthy confrontation between ambitious and creative universities and state governments with limited resources and diverse priorities. If issues like the role of higher education in state economic development or some proposed state pattern of assessment or performance audit become sources of tension, a buffer board, which has established some political credibility for making tough and fair decisions and which has also demonstrated some understanding of academic concerns, may be able to mediate and thereby permit the labeling of such tensions as "benign".

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Academic Buffer Organizations: Their Critical Role in a Democratic Society

Elaine EL-KHAWAS

L'auteur est habilité à parler en tant que porte-parole des établissements d'enseignement supérieur des Etats-Unis au sujet des organisations-tampon interposées entre les autorités gouvernementales et le monde académique. Ces organisations se proposent de sauvegarder l'autonomie universitaire tout en transmettant aux établissements une rétroaction leur permettant de mieux s'adapter aux nouveaux besoins issus de l'évolution économique et sociale. Elles peuvent avoir des attributions très diverses qui vont de la distribution des ressources et le service de consultation à celle de constituer une arène pour les débats publics portant sur le rôle et la mission de l'enseignement. L'auteur finit par une longue énumération des déboires qui guettent ce genre d'organisation et sur les possibilités de s'en sortir.

Introduction

Buffer or intermediary organizations have a paradoxical existence. These organizations are little understood but frequently criticized. They often have few supporters and have rarely been analyzed by scholars of contemporary society. Even so, under the right conditions, they can make vitally important contributions to the health of a participatory democratic society.

In recent years, intermediary organizations that link government agencies and higher education have become the focus of debates in a number of countries. The widely respected National Board for Colleges and Universities (UHÄ) of Sweden has just been given a new and reduced mandate (Fürstenbach, 1991). In Italy and Austria, new roles for buffer organizations are being actively debated (Avveduto and Brandi, 1991; Moscati, 1991; and Langer, 1991). In the United States, proposals currently before the U.S. Congress would end the long-held role of U.S. accrediting agencies in providing institutional eligibility for federal student aid (*The New York Times*, November 20, 1991).

In the democratizing countries of central and eastern Europe, several new buffer or intermediary organizations have emerged in the last few years including conferences of rectors, accreditation boards, and research councils. Buffer organizations serving higher education in the United Kingdom have undergone dramatic change, including both the now defunct University Grants Committee and the Council for National Academic Awards, recently proposed for demise (Davies, 1991). Similarly, Australia has recently witnessed the demise of its Commonwealth Tertiary Education Commission (Smart, 1991).

Recognizing that policy makers in various countries are actively debating the role of intermediary organizations, this article seeks to describe the special contributions that such organizations can make in higher education. It begins with a discussion of the types of academic buffer organizations and some of their general features. It then discusses two critical roles of intermediary organizations and concludes with comments on the practical difficulties that such organizations face as they try to make their contributions. The central argument is that academic buffer organizations can serve two vital societal functions: first, as mediators, protecting academic freedom and institutional autonomy while also helping higher education adjust to changing circumstances; and, second, as consensus-builders, offering a mechanism for open debate and a model of democratic participation in shaping public policy.

Types of buffer organizations

The terms, buffer, or, intermediary organization, are little used in actual practice. Many organizations that function as buffers do not recognize or apply the term to their own operations. Indeed, the organizations that can be considered as buffers are quite disparate, making systematic international comparisons very difficult.

For the purposes of this article, the term, buffer organization, is defined broadly, as a formally constituted organization that stands between governmental bodies and other entities to accomplish one or more public purposes. In higher education, a buffer organization usually links a ministry of education with a number of universities (and, sometimes, with other institutions). The buffer organization may be governmental, quasi-governmental, or entirely nongovernmental. Any specific higher education system may have no buffer organization, just one, a few, or many.

In the 1990's, several distinctive types of organizations act as buffer or intermediary bodies between government and higher education. Five types of buffer organizations can be found with some frequency when comparing the experiences of different countries:

- **Steering agencies** that have a considerable degree of independent authority and staffing but that otherwise carry out governmental functions of oversight, decision making, resource allocation, and/or technical assistance. The University Grants

Committee in Britain is the classic example; the Swedish National Board for Colleges and Universities, is another example.

- **Research councils**, offering a mechanism for allocating scarce (governmental) research funds by a process that is accorded legitimacy by the research community. The Deutsche Forschungsgemeinschaft (DFG) is a primary example.
- **Coordinating bodies** that marshall opinion, offer opportunities for policy planning and debate, and issue position papers and advisory statements. In Canada during the 1970's, the Ontario Council on University Affairs played this role. The Wissenschaftsrat (Science Council) in Germany is another example.
- **Rectors' councils** that offer opportunities for coordination and policy debate among the rectors or presidents of several universities. Examples include the Council of Vice-Chancellors and Principals in the United Kingdom and the Conférence des Présidents d'Université (CPU) in France.
- **Specialized organizations** that carry out specific tasks or offer expertise or technical assistance to universities, often in specialized areas (e.g., accreditation, technological adaptation, or international exchange) and frequently under government contract. Examples include NUFFIC, the Netherlands Organization for International Co-operation, and the Comité National d'Evaluation in France.

The titles given to these organizations vary widely; they may often have varying functions, even when their titles appear to be similar.

Is a systematic classification possible, one that offers meaningful and stable distinctions among the many organizations that somehow link or stand between government and institutions of higher education? In a keynote speech to a recent conference discussing the role of buffer organizations in higher education, Guy Neave offered several useful analytical distinctions (Neave, 1991) and proposed a hierarchical set of categories for distinguishing between intermediary organizations:

- **Primary buffer organizations**: those that have powers of resource allocation;
- **Secondary buffer organizations**: those that have the function of advice and coordination; and
- **Tertiary buffer organizations**: those that serve as arenas for debate and discussions.

These distinctions arrange organizations usefully according to their formal powers or degrees of authority. Primary organizations wield substantial authority, often having decision-making power for the allocation of most of the financial resources that higher education receives. In contrast, Neave suggests that tertiary organizations have little or no formal power, but instead operate primarily on the basis of informal legitimacy.

As he remarked, "...in the shaping of higher education policies..., the strategic weight tends to be concentrated more in the 'primary' and the 'secondary' intermediary bodies" (op. cit., p. 2).

Other distinctions are also possible. Whether or not the buffer organization is single- or multi-purpose can make a significant difference; for example, in France, the Comité National d'Evaluation is an intermediary organization with a narrow mandate, limited to institutional evaluation. Other organizations have multiple roles. The National Board of Universities and Colleges (UHÄ) in Sweden, for example, has had a wide range of responsibilities including responsibility for allocation of resources but also for planning, evaluation, and monitoring of institutions (Fürstenbach, 1991).

Also pertinent is the source of the sponsorship of buffer organizations which can vary along a continuum according to whether or not a given buffer organization is closely aligned with government authorities on the one hand or, on the other, is closely aligned with the universities (cf. El-Khawas, 1991). Most European buffer organizations stand at the governmental end of the continuum. These are sometimes referred to as top-down buffer organizations, reflecting their governmental sponsorship and primary orientation with regard to governmental concerns (Frackmann, 1991). In the United States, each of the fifty states has a governmental intermediary organization (Schmidtlein and Berdahl, 1991), usually acting as a steering agency but in a few instances operating as a coordinating body. At the same time, the U.S. has many private nongovernmental) intermediary organizations, some at state level and many more at national level. These nongovernmental buffer organizations, very distinctive to U.S higher education, would be considered bottom-up buffer organizations because they usually serve members who are presidents or other administrators at universities.

In the pages that follow, discussion will focus on two types of buffer organizations: steering agencies (governmental or quasi-governmental), with broad mandates for planning, institutional monitoring, and resource allocation; and councils of rectors, which actively coordinate policy debate and other matters among their members. In Neave's terminology, most steering agencies are "primary" buffer organizations. Councils of rectors are usually "tertiary" buffer organizations, or, if they systematically offer advice to governmental authorities, they may be considered as "secondary" buffer organizations.

The potential role of councils of rectors is given special attention. Although many of these organizations have been relatively weak in the past, there have been signs, recently, that some of them are developing greater strength, especially in settings in which the government has sought to delegate decision-making to the universities themselves (de Boer, 1991). Councils of rectors have considerable potential for taking a vigorous stance as buffer organizations between government and higher education, especially in view of the flexibility they have in shaping their own agendas and activities. This potential has often not been realized, especially when councils of rectors are unable to generate sufficient internal consensus by which to take strong positions in the policy arena.

Intermediary organizations: their contributions to a democratic society

Buffer or intermediary organizations are not, strictly speaking, necessary to the relationship between government and higher education. Understanding their special contributions requires taking a broad perspective, examining their distinctive contributions to society, potentially if not in actuality. The argument made in this article is that such organizations should be recognized as attempts to respond to genuine societal needs, expressed in different forms according to specific political and cultural circumstances. Their core purpose is to perform an important mediating or intermediary role that is not otherwise met by the basic structures of government and of academe.

The special character of academe may be the heart of the matter, forming the *raison d'être* of buffer organizations. As its distinctive contribution to society, academe has a unique mandate to organize and to support the most highly trained "knowledge workers" of a country (cf. Clark, 1984). Members of the academic profession, in both their teaching and research roles, are charged with carrying out creative intellectual work. They are a society's specialists for the distillation, transmission, and interpretation of knowledge, for the exploration of new ideas, and for the development of new explanations, theories, and programmes.

As many business corporations have learned with respect to their own design teams or research and development units, support for the creativity and innovative thinking of highly trained knowledge workers generally requires a special working environment. This type of environment is also what academic institutions must provide, an environment that encourages invention and creativity, one that allows reflection and new insights to develop and that fosters discovery and exploration. No other institution in society carries this specific mandate. If academic institutions are not permitted to shape their operations in a manner to support the creative work of academics, society as a whole will suffer a critical loss. Said differently, these special requirements of academic work form the basis for cherished historical traditions granting a strong degree of autonomy to academic institutions and guarantees of academic freedom to the professoriate.

In this broader, societal perspective, buffer of intermediary organizations can be seen as playing two very significant roles:

First, to mediate. Buffer organizations help to translate or to adapt the needs of government authority to the special character of academic institutions and of research inquiry. In doing so, they protect institutional autonomy and academic freedom, even as they also prod higher education to respond to changing societal needs.

Second, to build consensus. Buffer organizations can offer a mechanism for open debate and consensus building on significant policy issues affecting academic institutions, thereby providing an active model of participatory democracy at work.

In most industrialized countries today, the mediating role is carried out by a steering agency. However, a coordinating body can perform this mediating role, as can a council of rectors or other private, nongovernmental body. The experience of the United States throughout this century offers examples of private buffer organizations which carry out aspects of the mediator's role between government and higher education.

In contrast, the second role, that of providing open discourse and consensus-building on policy issues, can be effectively carried out by "top-down" steering agencies or by "bottom-up" nongovernmental bodies. These include councils of rectors, especially, but also a wide variety of other academic organizations. In recent decades, governmental steering bodies have often performed this discourse role by organizing special commissions that seek advice broadly and issue position papers with recommendations that are then widely discussed. Indeed, some of the most successful steering bodies combine the two roles effectively. Similarly, councils of rectors and other private buffer organizations may contribute to policy debate by coordinating opinion and discussion (typically through meetings and conferences) that result in policy statements.

These two roles clearly underscore the importance of buffer organizations for the active negotiation of differences between the governmental perspective and that of the universities. These are active, initiative-taking roles, not conveyed very well by the passive image suggested by the "standing between" or "linking" function that initially describes buffer organizations. This negotiation function, according to Becher and Kogan (1980, p. 55), is appropriate for higher education in that it " ... rests on an acceptance that there are divergencies of values and hence that there have to be negotiations between the various components of a pluralistic system".

Recognition of the distinctive values found in higher education helps to explain the need for a special mechanism to bridge the perspectives of government and of academe. To the academy, typical governmental agencies would not be sensitive to the special needs and values of academic institutions; yet, the government needs some co-ordinating mechanism for dealing with academic institutions, a mechanism that can speak to the needs of academe as a whole and that can transcend the interests of individual universities.

The role of mediator: standing between government and higher education

As already noted, the functioning of academic institutions and the conduct of original research have special characteristics that are in important respects not amenable to the usual practices of government bureaucracies. Administrative decisions and monitoring must take place, of course, but must be conducted in such a way that the distinctive procedures and constraints of academe are also respected. As an obvious example, spending decisions must be made in time for institutional operations according to the academic-year cycle. Funds must be expended responsibly by universities but also in ways that make sense for an academic community. Often, governmental regulations that apply generally to many government agencies can be inappropriate for academe.

From this thinking, a tradition has developed in many countries whereby an intermediary body is charged with making the translation between governmental needs and the special culture of academe. Research councils make this translation by awarding governmental research funds in a manner that is responsive to the needs of government and also acceptable to the academic community. Steering agencies usually attempt to make the same adaptions: they must ensure that government mandates are followed, but do so by translating these mandates into terms and conditions appropriate for academic institutions.

Self-regulation, a recent device for accomplishing this translation, transmits governmental objectives in a general manner while allowing institutions a strong measure of flexibility in how they meet those objectives (van Vught, 1989). In this context, rectors' councils and other nongovernmental bodies are sometimes able to take the initiative in developing and in implementing their own policies or procedures (e.g., peer review; inter-institutional agreements) to meet government requirements.

Over time, the traditions developed by such actions can help to protect higher education from unreasonable intrusion, thereby allowing academics to carry out their research and instructional responsibilities according to their own norms and objectives. As Berdahl (1971) has stressed, academic institutions have a critical need for substantive autonomy, the ability to determine such academic issues as appointments and promotions of academic staff, the structure of curricula and of degree programmes, and the development of research agendas.

As mediators, buffer organizations also interpret academic needs to government. Councils of rectors and other "bottom-up" organizations can (and should) champion academe most vigorously. They can develop policy statements outlining the present situation of higher education or its priority needs. They can be an advocate for higher education, utilizing both formal and informal channels to inform government representatives about the circumstances of higher education. Steering agencies, as "top-down" organizations with a primary allegiance to government, may also carry out this role of interpreting higher education to government, but generally do so in a more circumspect manner.

The consensus-building role: buffer organizations as participatory democracy

Democratic societies place high value on free and open discourse, exemplified in various mechanisms ranging from elaborate rules for parliamentary process to modern-day public opinion polls. Opportunities for debate and discussion are particularly important for certain sectors of society, including academic institutions, in which vital purposes, for instance, the transmitting of knowledge, the fostering of discovery and exploration on ever more complex subjects, can only be accomplished in an atmosphere of open discourse. As Bartlett Giamatti, a former president of Yale University once said: "...the University must be a free and ordered space, for those who live there and for the country at large, a source and symbol of what we can be and can do at our best" (1988, p. 287).

Mechanisms to foster open debate are also needed in the interface between academic institutions and their various constituencies, including government but also business enterprises and the surrounding community. As social and economic conditions change, academic institutions must continually engage in discussions with their various patrons over the ways in which they contribute to society and the ways in which society supports their continuing activities.

Buffer organizations can encourage and bring order to such discussions about issues facing higher education institutions. Steering agencies and coordinating bodies sometimes serve this role. Councils of rectors are especially well positioned to do so. From either setting, traditions can be developed for the sponsoring of special studies, working conferences, or series of fora throughout the year at which issues are discussed and different views exposed. The buffer organization can provide a neutral setting for airing differences, for testing attempts at compromise, and for refining proposals in response to legitimate concerns that come up in discussion.

In encouraging open debate on changing issues affecting academe, buffer organizations are also offering models of a participatory democratic process of dialogue. Important messages are embedded in this role. The ongoing conduct of such dialogues, encouraging a civil clash of ideas that respects different views even as it works toward decisions that balance diverse interests, helps to establish and reinforce habits of democratic process. Over time, the results of such dialogues should offer concrete evidence that open sharing of diverse opinions brings out more points of view, and thus offers a broadened perspective that may elicit better solutions. Also critical are mechanisms for settling conflicts, including the establishment of traditions that recognize conflicts to be inevitable, that channel conflicts into civil forms of expression, and that prod disputants toward compromise. In establishing or continuing to operate their mechanisms for open discourse and consensus-building, buffer organizations have a serious responsibility: their operations must remain models of openness, reflecting respect for evidence and fact, expecting civil behaviour and respect among participants, and recognizing that positions taken may need review and modification as more experience develops.

Concluding comments: practical realities for buffer organizations

This discussion has so far stressed the potential or ideal roles to be played by buffer organizations. To balance the scales, the difficulties that these organizations face must also be acknowledged. They are, after all, put in a precarious position by being asked to "stand between" two different constituencies that hold different values and objectives. Few buffer organizations manage to be successful over the long term; instead, their limited authority and careful exercise of their in-between role may eventually antagonize one of their key constituencies to such an extent that their legitimacy and role are made untenable (El-Khawas, 1991). A change in government can also bring an end to steering agencies, as recently occurred in Australia (Smart, 1991).

Observation of buffer organizations that have achieved some longevity may offer some insights into how such organizations survive. One strategy, followed by some steering agencies in Europe and by a number of rectors' organizations in the U.S., is the pursuit of multiple roles. By this strategy, the organization seeks to maintain the loyalty of its key constituents, if not on one specific issue, then on many of the issues it is addressing. Sometimes this strategy becomes the basis for offering a variety of services, including conferences, publications, training institutes, and legal advice.

A related strategy is for a buffer organization to establish and maintain a distinctive role for itself such as by offering expertise (cf. Fürstenbach, 1991). An active steering agency with an exceptionally competent and energetic staff might offer such useful assistance in policy and planning that governmental authorities consider it invaluable. A council of rectors can also develop "expert power" by its ability to marshall evidence and fact, especially on the current circumstances of the universities or on the actual effects of certain governmental regulations. These councils sometimes commission special studies by experts or appoint investigatory committees to obtain information that sheds light on pending policy discussion.

Similarly, some buffer organizations expand their intermediary role by reaching out to other relevant parts of society. For higher education, networks developed with business and industrial leaders have proved to be extremely productive, for example, by strengthening the legitimacy of the buffer organization by giving it another type of expertise. In the U.S., a highly visible example, and a part of the American Council on Education, is the Business-Higher Education Forum, the members of which include the presidents of universities and of major business corporations.

Because of the ambiguities of the roles of buffer organizations, the quality of their leadership may be very important. An exceptional leader, recognizing the larger purposes that such organizations serve, may be able to build and nurture an independent role for his organization, probably through well-chosen interventions that make contributions without unduly threatening either of the organization's constituencies (El-Khawas, 1991). A buffer organization that develops a reputation for having a strong, independent voice on issues may gain a special informal legitimacy, a reputation that offers it some protection against its own structural limitations.

Buffer organizations must also live with the realistic prospect that they will never be entirely successful, especially if they develop a reasonably ambitious agenda. Particularly with respect to the consensus-building role, acknowledgement must be made that some issues exist on which consensus cannot be developed, at least within a specific time period. Recognizing this reality, some buffer organizations develop a varied repertoire, choosing to develop position papers and policy statements when possible but preferring to play a more limited role on other issues, perhaps offering expert testimony or a detailed analysis of several options, but favoring no single position.

For buffer organizations, the task is clearly one of attempting to do the possible, while being wary of landmines all the time. And, inevitably, external events, such as a change of government, may dictate the fate of the organization. However, the biggest danger that buffer organizations face may be internal: the temptation to develop low expectations for themselves.

A steering agency, in particular, might be tempted to be cautious and to follow government directives and more informal signals very carefully; but then, it would not be a buffer, only another bureaucracy. For a council of rectors, the safe choices are to avoid taking on potentially divisive issues and ambitious agendas; but then, by doing so, it eschews the buffer function, and contents itself with being a dinner club or the like. It is all the more important, then, that the buffer organization and its leadership keep a clear vision of the larger purposes and contributions that can be made.

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Academic Freedom in the United States and the Rights and Obligations of Service

Robert B. YOUNG

L'autonomie universitaire implique trois aspects: la recherche, l'enseignement et la mise en pratique du savoir acquis. Le droit de dispenser un savoir est protégé par la liberté d'expression, qui est garantie par le premier amendement à la Constitution américdine. Aux Etats-Unis, la notion de liberté universitaire a été introduite au debut du XX-ème siècle, étant empruntée aux universités allemandes. Cette liberté doit être sauvegardée pour l'ensemble du corps enseignant même si, à titre individuel, les professeurs gagnent de l'argent en faisant maintes prestations. Si les devoirs fondamentaux de l'enseignant sont la recherche et la transmission du fruit de ses investigations, il n'en est pas moins tenu de réfléchir à l'utilité de son savoir et aux relations qu'il entretient avec le monde se trouvant à l'extérieur du campus universitaire. Il a une obligation de service envers la communauté qu'il ne doit jamais négliger.

Introduction

Convention divides higher education into three academic functions - research, teaching, and service. Service is the general obligation of all academic functions, but as a specific function it has been ignored in discussions of academic freedom. Only research and teaching have been considered. This oversight prevents a complete conceptualization of academic freedom, for the academic process is incomplete until knowledge has moved from acquisition through transmission to application, that is, until it has served.

What is academic freedom?

The primary documents about the academic freedom of professors have focussed on their right to acquire and to transmit knowledge. The American standard is found in the 1940 Principles of the American Association of University Professors (AAUP): "Academic freedom... applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning." International documents have a similar focus. For example, the 1988 Lima Declaration defines academic freedom as the "freedom of members of the academic community, individually or collectively, in the pursuit, development, and transmission of knowledge, through research, study, discussion, documentation, production, creation, teaching, lecturing, and writing." Although the Lima Declaration states that "academic freedom is an essential precondition for those education, research, administrative, and service functions" of universities, neither it nor the AAUP document discuss service as a specific professional responsibility.

The oldest function in higher education is teaching. One could indeed argue that academic freedom in teaching has been protected in the United States since 1791 when the First Amendment to the Federal Constitution was enacted. The freedom to disseminate knowledge through lectures is one form of free speech, and almost all forms of free speech have been protected by U.S. law and the courts since the founding of the nation.

Although early proponents of academic freedom such as Thomas Jefferson could argue for the "illimitable freedom of the human mind (and the need) to follow truth wherever it might lead", academic freedom with regard to research was imported at the turn of this century, along with the German university. The graduate research professor seemed to have more rights than the undergraduate teacher, and the professor in a "hard" science/discipline had more rights than his or her counterpart in theology or political science. Professor Paulsen (in Fuchs, 1967) of the University of Berlin claimed that the "German universities dwell(ed) in their own world outside of politics, and their highest achievements (were) in science". His American colleagues seemed to agree that this philosophy should guide American conceptions of academic freedom. But after scientific research was elevated above the teaching of subjects which might involve faith and power, professors stopped worrying about the moral development of their students and the consequences of their own actions outside the laboratory and the classroom. All such concerns were extramural and, therefore, less important to their work.

The obligations of service

While some professors today might silently agree with Robert Hutchins that the purpose of the university is not to be useful to the public in any commonly accepted sense of the term, they understand that some sense of the term still applies.

Research and teaching must be useful to society, in some way, at some time. Research and teaching are not ends in themselves; they are part of a process that ends with the application of knowledge outside the laboratory and the classroom. They serve truth at a minimum and humanity at a maximum. Service is the obligation that makes the academic freedom of professors important to society.

The 1940 Principles of the American Association of University Professors state that "institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition" by parties that serve truth and society **selflessly**. The free professor is not free to serve; he or she is **obliged** to serve.

The obligation to serve puts academe in the company of the other liberal professions: the ministry, medicine, and sometimes the law. Greenwood (1957) and others have distinguished the true professions from the pretenders by their professional schools, their codified ethics, their systems of sanctions, their special cultures, and the service they render. As Becker (1956) has said, a profession is not a science, a business, or a racket, and academe is more than a corporation of professors.

Freedom has been restricted in research and teaching to preserve the extent of service. For example, the 1940 AAUP Principles state that the professor is not free to pursue "research for pecuniary return"; he must negotiate this activity with the university. The professor with tenure has already been guaranteed "a sufficient degree of economic security" as well as the freedom to do research; to claim more would seem selfish. And this charge, more than any other, seems to have fueled the recent condemnations of research accounting at Stanford and at a few other universities in the United States. The nature of the research was less important to the public than the entrepreneurial motives of these universities. They failed the public criterion of selfless service through research. More public control will be placed on research at all American universities as a consequence.

The 1940 AAUP Principles do not allow professors to teach "controversial material that is not germane to the subject". **Germane** is the most important term, since the AAUP has stated that it does not want to reduce controversy in the classroom. Extraneous material does not serve students. Professors accept other limitations on their teaching as well. While many professors of English would like to teach another section of Shakespeare instead of composition, they yield their personal interests to better serve students. The same rule applies to the entire structure of the university curriculum. The proponents of the trivium and quadrivium have accepted new subjects because they know that society needs to know more about the applied sciences as well as about Greek.

The specific functions of service must also meet this general obligation of service, but the rights of professors to perform these functions have not been explored. The functions include duties inside the university and outside, in professional associations, non-profit agencies, and profit-making organizations.

Duties inside the university, which are usually administrative, are as old as the academy. In most American colleges and universities today, professional administrators are accepted as a necessary evil who rule only with the advice and consent of the faculty. That administrators really serve a board of elected or appointed governors is misunderstood or ignored by most faculty members.

The rise of the research university in the second half of this century was accompanied by a dramatic increase in the number of associations representing different disciplines and endeavors. The latter have boosted the professional status as well as the knowledge of their members. They have offered faculty members a range of involvements, extending from the administration of the associations to scholarly presentations of research.

Involvements in non-profit agencies can include administration as well as activities that are related to the scholarship of the professors concerned. Involvements in profit-making enterprises rarely involve administration except through service on the boards of corporations. In-service educational activities have been contracted for the professional development of leaders in both non-profit and profit-making enterprises. Research and evaluation activities have been conducted to improve the policies, products, and processes of both types of enterprises.

Most remaining activities outside the university might not involve the faculty member as professor. They are citizen involvements in which the professor "should be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he (or she) is not an institutional spokesman" (AAUP, 1940). By fulfilling these obligations, a professor "should be free from institutional membership or discipline", but the AAUP permits institutions to file actions against faculty members whose external utterances, when viewed within the full context of research and teaching, disqualify them from faculty positions.

True service is selfless

The academic rights inherent in service functions should be determined primarily by the scholarly or administrative natures of the functions. This determination indicates whether the professor represents society-at-large through scholarship or a particular agency for other reasons, through personal skills or the power of his position in the academy. A major additional criterion is the selflessness of the service, meaning here the absence of personal economic or political advantage.

The institution and society should protect all activities in which the professor seeks to apply scholarship for selfless ends. These activities move research out of the laboratory and teaching, beyond the classroom. They represent the final stage in the generalization of the discovery, dissemination, and application of knowledge. Perhaps in some former day in America and in some societies today, these service activities were fulfilled through research and teaching in universities. But today, the discoveries and discussions of professors do not change society so much as they affirm its political and economic structures. Some forms of research have brought great prestige and a lot of money to professors and their institutions. Alexander Astin (1985) calls these the "reputation" and "resource" forms of academic excellence, but they do not meet the ethical criterion of service. Only a third form of excellence, which is sometimes called talent development, can meet both a standard of excellence and the obligation to the common good. Some talent development activities involve simple teaching and research outside the university. These service functions can be included in current statements about academic rights with only slight modifications of wording. Other talent development functions include community development activities that are not included in current descriptions of teaching and research.

In *Scholarship Reconsidered*, Ernest Boyer (1990) states that the work of the scholar includes research and teaching, but scholars must also "be asked to think about the usefulness of knowledge, to reflect on the social consequences of their work, and in so doing, gain understanding of how their own study relates to the world beyond the campus." Boyer calls this form of service, application scholarship, and he stresses its scholarly character. Application scholarship "must be tied directly to one's special field of knowledge and relate to and flow directly out of this professional activity. Such service activities represent serious, demanding work, requiring the rigor and the accountability traditionally associated with research activities." It includes consultation, technical assistance, policy analysis, and programme evaluation. It excludes civic and social projects that are outside the professor's field of inquiry.

When professors are encouraged to accept the rights and obligations of application scholarship, they are encouraged to declare and then to implement the best of the truths that they have uncovered, examined, and discussed in dispassionate ways in the laboratory or classroom. Many are forced to make value judgments about their knowledge. The moral philosopher becomes as important in the university as the physical scientist and the professor who puts ideas in action in society becomes as important as the professor whose actions are put into ideas in the academy. When all are protected by academic freedom, the university becomes a more complete and potent moral force in society.

Administrative service responsibilities do not meet the requirements of academic freedom. When professors serve incorporated agencies instead of their scholarship, they do not represent the common good but agencies with specific political or economic powers. This principle seems obvious with regard to profit-making enterprises, but it seems equally true for the administrations of universities, professional associations, and social service organizations. The administrator is protected by common law. Although his service might be meritorious, it does not meet the ethical mandate of academic freedom.

The measurement of true service is difficult because it extends beyond quantities to qualities. It is ethical as much as legal. Hayakawa (1964) asserts that legal authority concerns only minimum standards of behavior that all must follow. Ethical authority concerns the maximums that all **should** follow. In decisions regarding tenure, accreditation, and even promotion, professors and institutions are judged more by the titles, publications, and resources attained than by the quality of service inherent in such things. These forms of evaluation certify the ends but not the means and motives of accomplishment; thus they do not and they cannot fully protect and support the common good.

Professors must do the latter themselves. In most cases they will receive more support for their academic rights if they do. In the United States, most of their activities are protected by basic laws that protect the free speech of all. The claims of professors for special exemptions with regard to teaching and research are granted increased support when they show that they harbour no selfish economic or political interests with regard to their subjects and, thus, that they meet the ethical as well as the legal criteria of their work.

Professional disinterest in personal advancement is a passive portion of a full active interest in societal advancement (what Boyer calls mission of the university to reshape as well as to serve society). The former shows an allegiance to truth, and the latter pledges an additional commitment to altruism. Both are necessary for freedom to have meaning, but the challenges to the freedom of professors will increase as this form of scholarship is applied more actively within and outside the university walls. Some will not receive tenure because they challenge the orthodoxy of their peers. Some departments will lose resources because their members are controversial in the university, and some universities will be punished because they stir up controversy in society. Organizations and societies which are not free cannot suffer individuals who actively serve. In such situations, the law must provide necessary protections for faculty members.

The gist of the preceding discussion should seem obvious: the knowledge of professors must **serve** if professors want to be free.

Conclusion

But professors have generally not met the full demands of this contract with the public. They have made eloquent arguments about their need for academic freedom to do research and to teach, but they have not satisfied the public that they will give back as good as they get. Jones (1967) has stated that élitist faculty have made an incoherent argument to an egalitarian populace about their need for special freedoms. Professors need to make their case intelligible to the common man that they have been trained to do a job that helps.

In the author's state of Ohio, this case has obviously not been made. Higher education receives twelve percent of state funds, but it absorbed thirty-five to fifty percent of the reductions in the 1992 budget. The universities have been told that they do not serve the people as much as other institutions in the state do. These charges are familiar and their financial consequences will limit freedom to teach, to do research, and thus to apply the results of scholarship. While the public will have to be convinced of the utility of academe to the rest of society, it may first be necessary to convince the professors themselves of their obligation to serve.

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Quelques Remarques sur le Rôle et les Tâches de l'Université dans la Société Contemporaine

Zygmunt KOMOROWSKI

The main task of the university lies in the formation of the social élite that runs society. The theories of the Polish sociologist, Czelaw Znamierowski, distinguish between a values élite, a functions élite, an esteem élite, and a chivalrous élite. The author argues that the university is facing a double problem: that of preserving and ensuring the efficient functioning of all these élites within its own framework and for its own needs, as well as doing the same for the benefit of society in its entirety. Due to the strict specialization of education today, another task of the university is to bridge different disciplines so that the currently fragmented élites might communicate and elaborate a genuinely universal conscience.

L'Université, le régime politique et l'histoire

Les tentatives d'opposer, les universités des pays anciennement communistes à celles des sociétés dites modernes manquent de fondement. Une telle attitude éveille des doutes et des réserves.

La tradition universitaire est vieille de plus de mille ans. Parmi les universités les plus anciennes, il faut mentionner celles d'Al-Qaraouiyine (du IXe siècle) au Maroc et d'Al-Azhar en Egypte qui rassemblaient à l'époque les adeptes des sciences de plusieurs régions du monde. Les plus anciennes d'Europe: Bologne, Paris, Oxford, Padoue, Salamanque et Coïmbre, ou bien celles moins âgées, fondées au XIVe siècle, de Rome, Prague, Cracovie, Vienne, Pécs ou Heidelberg, ont connu pendant leur longue histoire de multiples transformations, donnant naissance à des modèles très variés. Au début de notre siècle on distinguait ainsi le modèle anglais, le modèle français et le modèle allemand.

Il est douteux qu'aujourd'hui une telle classification puisse être encore de quelque utilité. Elle n'est évidemment pas adéquate pour ce qui est des universités contemporaines d'Amérique, de Suisse, de Russie, de Pologne, et de Roumanie.

Certes, un demi-siècle de pressions de la part des régimes totalitaires communistes a laissé son empreinte sur l'enseignement supérieur de l'Europe centrale et orientale. On a imposé partout dans la région des examens d'entrée, qui ont limité le libre accès des candidats. On a favorisé les jeunes des milieux censés garantir le conformisme politique et idéologique (notamment les enfants de la nomenklatura). On a éliminé la pensée indépendante, qui fut repoussée dans les tiroirs. On a imposé la philosophie matérialiste marxiste (qui a prospéré et prospère encore dans d'autres régions). On a essayé d'assujétir la science aux intérêts politiques. On a divisé certaines anciennes facultés en les transformant en académies ou écoles supérieures.

Cependant, et surtout en Pologne, les universités ont toujours été l'un des piliers les plus importants de la résistance au régime imposé et le terrain de combat pour la défense des valeurs humanistes contre le matérialisme. Ce fut entre autres le cas, en Pologne, de la sociologie, discipline liquidée pour quelques années et restaurée, grâce aux efforts des intellectuels, après la révolution de 1956. Plus souvent qu'en d'autres pays, plus souvent même qu'en Occident, cette discipline s'est engagée dans la voie de la sociologie dite compréhensive de Max Weber et de Florian Znaniecki. A leur tour, les historiens mentionnaient souvent pendant leurs cours des faits historiques incommodes pour le régime. Ainsi les universités formaient-elles, somme toute, des non-conformistes.

En ce qui concerne le niveau de cet enseignement, il n'était sans doute pas moins élevé que dans beaucoup d'autres pays, même très développés, ce qui peut être facilement prouvé par la carrière de beaucoup d'émigrés polonais diplômés des universités polonaises. Même sans avoir une connaissance plus que rudimentaire de la langue du pays d'accueil, ils ont en général été appréciés comme des spécialistes bien préparés, qu'on recherchait.

En tout cas, il faudrait faire preuve de prudence lorsqu'on veut opposer les universités des deux anciens hémisphères du monde séparés par le rideau de fer, installé non sans l'aide, d'ailleurs, d'intellectuels formés des deux côtés. Le plus important et le plus réaliste serait de discuter le rôle de l'université dans le monde entier - aujourd'hui et demain - face à la vision des sociétés au seuil du XXIe siècle.

L'Université formatrice d'élites

Partout et toujours, en utilisant diverses méthodes, les universités contribuent à la formation des élites intellectuelles et à la propagation de la culture intellectuelle et spirituelle des nations. Il faut cependant remarquer que la politique et l'économie n'en profitent que partiellement et que le prestige des diplômés universitaires n'est pas toujours ce qu'il devrait être.

Dès la fin du XVIIIe siècle on a souvent parlé de trois tâches fondamentales de l'université:

- enseigner au niveau le plus élevé possible;

- faire de la recherche (y compris de la recherche interdisciplinaire);
- propager la science extra muros par des activités telles que les conférences, l'édition, le patronage étendu (comme par exemple en France) de l'enseignement préuniversitaire, etc.

A ces tâches, on en ajoute très souvent deux autres, qui semblent chaque jour gagner de l'importance:

- la coopération pratique avec d'autres institutions, surtout économiques, mais aussi politiques, artistiques, religieuses, etc., ce qui est souvent lié à la recherche de commanditaires (sponsors) qui attendent des services très concrets;
- le développement de ce qu'on appelle la formation permanente, formation complémentaire et systématique des diplômés (y compris les études approfondies).

Pour réaliser cette co-opération, on organise divers conseils, comités et programmes et des corps de tuteurs et de conseillers. On fait des propositions concrètes aux scientifiques quant à l'application pratique des résultats de leurs recherches (l'application des inventions dans l'industrie, par exemple). La formation permanente veut surtout dire des cours, des conférences faites par des spécialistes, un contact permanent avec les diplômés et l'encouragement à des recherches individuelles en vue de l'obtention de plusieurs diplômes.

Les universités engagées dans la réalisation de ces tâches ont le sentiment naturel et inévitable qu'elles ont un rôle à part, plus exactement, d'élite. Alors, elles doivent se pencher sur le problème des élites, sur ce qui constitue l'élite sociale, ce groupe qui dirige la société, et sur les modalités par lesquelles l'université peut et doit la former.

Florian Znaniecki, un sociologue de renommée mondiale, s'est occupé entre autres du rôle social des scientifiques et du processus éducatif dans la perspective du développement des civilisations. Des sujets similaires sont discutés maintenant un peu partout, par exemple, en Pologne, dans les travaux bien connus de J. Chalasinski et de J. Szczepanski.

Une réflexion approfondie a été occasionnée, au moins dans certains milieux, par la controverse, qui dure d'ailleurs encore aujourd'hui, portant sur les nouvelles élites des pays du Tiers Monde. La question qui se posait était de savoir s'il y avait au Tiers Monde plus de technophiles (des spécialistes étroits) que d'humanistes (des personnes à la formation plus large).

Les élites et la démocratie

Il s'agirait de présenter brièvement la théorie relativement peu connue, quoique très intéressante, de Czeslaw Znamierowski de l'Université de Poznan qui, il y a plus de 40 ans, analysait le problème des relations entre les élites (et l'élitisme) et la démocratie. C'est un problème qui continue partout à être d'une très grande actualité.

Selon Znamierowski, les élites sont un phénomène inévitable et constructif dans chaque société humaine conçue comme un ensemble de personnes distinctes. Les critères de distinction sont différents, mais, pour le bon fonctionnement de la société, il faut que quatre critères principaux émergent afin d'obtenir une sorte de balance contrôlée, indispensable pour ce qu'on appelle la démocratie - celle-ci ne menant pas à l'égalité (comme objectif ultime), mais assurant plutôt des chances égales de participation et de promotion dans la division des tâches supplémentaires aux services du groupe.

Les élites, analysées dans l'étude intitulée *Elita a demokracja* (L'Elite et la démocratie), publiée à Poznan en 1946, s'imbriquent et se contrôlent réciproquement, aspect qui doit être pris en considération par tous les pédagogues, par tous les hommes politiques et notamment par tous les organisateurs de la démocratie. Ces élites ont été classifiées par Znamierowski ainsi que suit:

- l'élite des valeurs;
- l'élite des fonctions;
- l'élite de l'estime (ou de la dignité);
- l'élite dite chevaleresque.

L'élite dite des valeurs est constituée de tous ceux qui, par rapport aux autres, possèdent certaines valeurs matérielles, physiques et mentales, telles que les biens, les talents et le savoir acquis, en quantité importante, susceptible d'être mesurée. En font partie ceux qui connaissent particulièrement bien leur métier y compris les titulaires de diplômes.

L'élite des fonctions est constituée de tous ceux qui dirigent, qui profitent d'un mandat social pour diriger, organiser, c'est-à-dire d'un mandat leur permettant de décider au nom des autres. C'est en partie l'élite du pouvoir (selon une autre dénomination). Elle peut être usurpatoire, mais elle s'appuie en général sur des prédispositions caractérielles particulières. Ainsi des fonctions très importantes, celles de directeur, de chef, de doyen, ne doivent pas nécessairement être confiées aux meilleurs ingénieurs, savants, etc.

L'élite dite d'estime (ou de dignité) résulte du respect pour les mérites, nécessaires pour mobiliser la société et encourager les actions altruistes. En font partie toutes les personnes méritantes, considérées comme des modèles-symboles dignes d'être imités, ceux qui autrefois appartenaient, au moins pour un moment, aux élites des valeurs ou des fonctions. Les exemples qu'on peut citer comprennent les porteurs de décorations, les professeurs retraités, et, à vrai dire, la plupart des personnes âgées: les grands-parents dans les familles.

Enfin, l'élite dite chevaleresque" (qui doit son nom à son attachement aux principes du code éthique des chevaliers) est constituée de ceux qui osent dire la vérité, qui luttent pour la vérité (y compris la vérité en justice) et qui s'opposent aux pressions de la conjoncture agissant parfois contre leurs propres intérêts pour une cause. C'est un élément très important de contrôle social, notamment de contrôle des autres élites mentionnées.

Cette classification, aussi bien que la terminologie proposée, peuvent être discutées.

Les élites et l'université

Il se pose donc pour chaque milieu universitaire une double question:

- comment assurer en son sein et pour ses propres besoins l'existence et le bon fonctionnement de tous ces types d'élites;
- comment assurer, par l'université et grâce à ses efforts, ces mêmes élites à toute la société, à la nation, à l'Etat, etc.

Si l'on veut répondre à la question qui porte sur le modèle d'université de l'avenir, celle du XXIe siècle, qui approche si rapidement, il faut d'abord répondre à la question portant sur les besoins de cette société en voie de formation. Il faut en connaître non seulement les besoins professionnels (impossible, à vrai dire, à préciser car même les progrès de la technique semblent être imprévisibles), mais aussi et surtout indiquer le degré de réflexion qui devra accompagner la science, à quoi servira le savoir transféré et qui l'utilisera par la suite. C'est cette image des futures élites qui semble être le problème le plus important.

Chaque université forme des citoyens ayant chacun une responsabilité particulière. Ils doivent être conscients de leur responsabilité civique, patriotique, mais surtout humaine, ainsi que de ce que les autres, extérieurs à leur milieu, attendent d'eux.

Interdisciplinarité et conscience

On touche là au problème de l'interdisciplinarité. Aujourd'hui, les intellectuels ne comprennent pas souvent ces voix venant de l'extérieur, même d'un extérieur proche. Ils restent plongés dans les problèmes de leur spécialité étroite où l'on utilise un jargon très hermétique, sans connaître d'autres langages. Apparaît alors une autre tâche très importante des universités, celle de lancer des ponts entre les disciplines pour intégrer les élites, actuellement dispersées et isolées, pour inspirer le dialogue et former ainsi une conscience vraiment universelle.

En ce qui concerne la conscience, les partisans du positivisme dans les sciences sociales ont longtemps évité cette notion. Pour eux, subjective signifie nonscientifique. Cependant chaque acte culturel (y compris le transfert de la culture et de la recherche) est profondément enraciné dans la conscience des participants. "La culture est toujours l'apanage d'un être conscient", disait F. Znaniecki. Elle n'existe ni dans l'abstrait, ni dans le matériel, ni hors des êtres humains concrets. Si on ne sait pas apprécier et utiliser les modèles d'une culture conformément à leur destination, elle meurt immédiatement ou se transforme éventuellement en objet mort, en témoin du passé, comme le sont aujourd'hui les pyramides, après la disparition des pharaons et la mort de la religion des anciens Egyptiens.

La conscience englobe des connaissances qui portent aussi bien sur l'environnement de la personne que sur le moi de cette personne. Les universités qui préparent les personnes à jouer le rôle de chefs et de guides de la société, doivent tenir compte des deux aspects de la conscience humaine mentionnés, non seulement de l'environnement, mais aussi du moi. Ce moi est créé surtout par un mariage spécifique, un lien perpétuel et réciproque entre les sciences humaines et les sciences exactes dont le devoir est de répondre aux questions posées par la société.

Conclusion

Notre époque, donc notre société, souffre du décalage entre l'homme, avec tous ses besoins spirituels et psychiques, et la civilisation, dominée par le développement rapide de la technique. Or, l'université peut consciencieusement et rationnellement, par tous les moyens dont elle dispose, combler et souder cette déchirure. Et c'est son rôle primordial dans notre époque.

Section III

Searching for Solutions: models and practices

■ *Chapter 1:* Case Studies

Academic Freedom and University Autonomy in the Hungarian Higher Education System

Károly KOCSIS

Plus de 20 projets de Loi pour l'enseignement supérieur se sont succédés sous le feu des discussions, avant qu'on ne trouve le moyen de définir les objectifs de la restructuration: faire réduire par le Parlement le nombre des universités hongroises, de 20 (dont 8 à Budapest seulement), à 8 ou 9 établissements polyvalents à rayonnement régional, accrédités par un Comité national; créer une Commission à participation internationale qui assistera le Président de la République lors de la nomination des professeurs d'université; rendre aux établissements leur autorité sur l'enseignement postuniversitaire, et notamment sur le doctorat; accorder aux universitaires une liberté académique complète pour ce qui est de la recherche; et arrêter le cadre législatif de l'autonomie universitaire à tous les niveaux de l'enseignement supérieur, en fonction des chartes adoptées par les universités.

Introduction

As a part of the political and social changes which Hungary is undergoing, the radical restructuring of the Hungarian higher education system began as early as August 1990. The first decision made by the government was to suspend many of the provisions of the Education Law of 1985 and to provide full responsibility to the universities and colleges to adopt, in complete freedom, new charters based on new principles of institutional democracy, full institutional autonomy, and academic freedom for teaching staffs and students.

Most universities began by holding free elections for university boards and senates as well as for rectors and deans of faculties. In parallel, with the renewal of university leadership and governing bodies, nearly all the universities, sooner or later, prepared, discussed, and approved new charters, the so-called *organizational and operational rules* which in many respects included internationally accepted and recommended standards and prescriptions with regard to autonomy and academic freedom.

At the same time, however, because the preparations for the new Law on Higher Education, which was passed by the Hungarian Parliament only in September 1992, had been in progress in parallel with the actions described above, the legal position of university life, including academic freedom and university autonomy, formed a very heterogeneous national picture.

Despite many problems, including legal difficulties in some institutions, the experience of the past two years in terms of learning the realities of autonomy, democracy, academic freedom, and responsible practices was extremely useful for the preparation of the draft of the new Higher Education Law. Indeed, the Hungarian Rectors Conference, which was composed of the rectors of the twenty Hungarian universities, played a leading role in this process.

Basic definitions

Higher education in each country of the world has its own historical, cultural, social, economic, and political background and features. For this reason, even the expression, **university**, does not designate the same type of institution in all countries and societies independently of the level of social and economic development. Nevertheless, the most important responsibilities and functions of universities are higher education and research, which include the creation, transmission, and dissemination of knowledge through high level research, the offering of regular higher education course programmes to individuals, and instructional offerings in a variety of fields to various sectors of society through extension services.

Without academic freedom, particularly with regard to scientific research, but also as concerns teaching and the transfer of knowledge, universities cannot exist and cannot fulfil their basic tasks, particularly the constant improvement of scientific knowledge and its practical application. Likewise, if the independence of universities with regard to professional research and teaching is not guaranteed by law, freedom of thinking and the free presentation and discussion of new ideas and concepts risk being considerably hindered by political or social actions resulting in the paralysis of scientific life. In such a situation, higher education becomes nothing more than the repetition of timeworn formulae. A very serious consequence would be the slowing down of both social and economic life, as happened very recently in eastern Europe, with the complete collapse, both economically and politically, of formerly promising societies.

Autonomy and **democracy** are also required features of real universities. Autonomy ensures the overall framework, both for the institution and for individuals, for the practice of academic freedom and democracy provides a legal basis for the stable functioning of higher education institutions.

Nevertheless, academic freedom and university autonomy are very complex concepts requiring distinct formulations for their practical utilization. *University autonomy* should not be understood simply as autonomy for the higher education institution itself, for all the principal parts of a university: its faculties, its institutes, its departments, and even its teaching and research groups have their individual autonomy. Of course, the national parliament should ensure, by law, the overall structural functioning of universities and their financial autonomy, and in similar fashion, the university senate, by drafting appropriate charters, should guarantee autonomy in more concrete ways for faculties, as organizational units which in turn should provide the same rights for departments. To list all the aspects of the content of university autonomy is a fairly complicated task because they are numerous and vary according to the level of autonomy and the type of institution.

Likewise, the concept of *academic freedom* is complex, having different levels according to the level of responsibility and type of activity of specific academics.

Both concepts should be exercised only within a proper balance of *rights and duties, free ideas, and responsibilities*. The *hierarchical application* of both concepts and their *limitations* as fixed by external and internal conditions should always be carefully determined by law.

Extremes of freedom and autonomy at any level of application may result in inefficient management and teaching and even in anarchy -conditions which are the contrary of what are required for well-functioning universities.

Problems resulting from the transition to full democracy

The experiences of the last two years which have witnessed the acquisition of full autonomy by the Hungarian universities, the preparation of new university charters, long discussions leading to more than twenty drafts of the new Higher Education Law-have clearly demonstrated how difficult it is to regulate by law the transformation of a centrally planned higher education structure into a democratic system.

A first problem which needs to be resolved is to determine which of the Hungarian institutions are *real universities* in the western sense, given the following particularities. Research was artificially separated from the higher education institutions in the early 1950's and assigned to a separate network of research institutes. A significant number of professors were nominated on the basis of political criteria. The formal procedures of so-called autonomy were directly controlled by the party bureaucracy. For a very long period, international relations were sporadic. Moreover, in the late 1940's, all the Hungarian universities were reorganized into Soviet-style small, highly specialized, teaching-oriented institutions having, in many cases, only one or two faculties and limited numbers of students. As a consequence, even today in one town there may be three or four small universities. Budapest has eight universities.

Perhaps the most dramatic feature of eastern European higher education was that postgraduate (PhD-level) education had also been removed from the universities and confided to a National Board which was virtually independent of the universities.

Given this situation, the question of which universities in Hungary are *real* universities - institutions to which full academic freedom can be accorded - is a very delicate one. A first step in the direction of a radical restructuring was a call for the regional integration of universities so as to reduce their number from the present twenty to eight or nine and to integrate some 15 college faculties into the city universities on a regional basis. It is hoped that this restructuring will result in real multi-disciplinary universities of optimum size which will offer flexible curricula including post-secondary and college course programmes, four-year undergraduate, and one and two year postgraduate course programmes, culminating in PhD programmes at the top of the list which only a few selected faculties would be permitted to offer.

Following the institutional restructuring of the higher education system, a *National Accreditation Committee* will be set up (the membership of which will include selected university rectors, leading scientists, and international experts). It will be charged with carrying out the quality assessment of each university and faculty and the evaluation, in terms of international standards, of the teaching and research facilities as well as the financial state of PhD programmes. Only those faculties which are approved by this Accreditation Committee will be permitted to continue to operate.

Only then will it be possible to accord full university autonomy and academic freedom in the western sense to the institutions which pass these tests. To do otherwise would be unwise.

The limits of autonomy and academic freedom

The implementation of university autonomy and academic freedom according to law and established regulations is even more difficult and complicated than the elaboration of the regulations themselves. The basic problem is to establish a consensus that neither autonomy nor academic freedom imply unlimited independence for institutions or for individuals. External and internal limiting factors will continue to exist with regard to academic freedom and university autonomy. Certain norms of action, as well as various organizational, operational, and even financial barriers will continue to restrict autonomy or academic freedom beyond certain limits. Since even the exact formulation of the two concepts, university autonomy and academic freedom, is difficult due to their multi-facetted nature, only selected examples can be given.

One example of the limitation of institutional autonomy concerns the rights of universities with regard to the restructuring described above. In Hungary, the founding and the closing of universities and colleges are controlled by Parliament. As a consequence, questions concerning the unification and the reorganization of the currently existing Hungarian universities are beyond the scope of mere university autonomy. Of course, the universities involved should play a very active role in the preparatory procedures, but they should not have decision-making powers.

Another illustrative example concerns the promotion of full professors, the certification of individuals for the highest university positions, particularly during the present transitional phase when the existing academic staff cannot be considered competent to make objective judgments with regard to new professors. In the future, some kind of evaluation or habilitation committee, made up of members from both Hungarian and foreign universities as well as scientific organizations, should evaluate the academic and professional qualifications of candidates for professorships. The final appointment of professors remains the responsibility of the President of the Republic.

Hierarchical limits to academic freedom are also considerable: Full professors certainly have considerably more independence in creating and lecturing on new subjects and in introducing new concepts and ideas. Assistants, however, are expected to limit their freedom primarily to questions of teaching methodologies and to follow the lead of the professors in charge of the courses to which they are assigned.

Perhaps in the domain of research, all academic staff members should have more or less the same degree of academic freedom with regard to the selection of topics, the carrying out of research and experimentation, and the reporting of results.

Even institutional frameworks should be broken up if they hinder freedom to think, to study, or to present the results of research.

University Autonomy in Poland: Possibilities, Challenges, Responsibilities

Andrzej PELCZAR

L'auteur passe rapidement en revue la situation actuelle des établissements d'enseignement supérieur polonais et notamment de l'Université Jagiellonienne de Cracovie. Après quelques considérations historiques destinées à illustrer les traditions d'autonomie universitaire en Pologne, il présente les nouveaux défis auxquels sont confrontées les universités dans la période de transition que traverse à présent le pays: le changement des mentalités (dont l'inértie est proportionnelle à l'endoctrinement idéologique entre 1945-1989 et qui n'a pas beaucoup influencé les meilleurs universités), l'introduction de réformes, l'adaptation à l'économie de marché, l'amélioration du financement aussi bien que des programmes d'études. Conscients des responsabilités qui leur incombent, les enseignants entendent s'affirmer aussi en dehors de l'université et, en dépit des difficultés, prennent une part active aux nouveaux processus, en mettant leur expérience directement au service de la société.

Introduction

The largest and best Polish universities have full autonomy. They not only have unrestricted rights as university communities to elect their leaders and other authorities, such as rectors, vice-rectors, deans, directors of institutes, senates, and faculty boards, and to make their own decisions about the inner structures of schools, formulating their statutes and regulations; they also have the right to establish curricula, to freely manage financial affairs, to engage in international co-operation, and to make agreements, at various levels, with regard to co-operation with scholarly institutions.

It should be stressed that new legislation is opening new possibilities for the introduction of essential changes in the formal situations of Polish university-level institutions. At the same time, this legislation is stimulating equally important changes in the patterns of thought of academic communities. The latter are in some cases accepted with greater difficulty by the people involved in academic life than are changes in regulations, regardless of how fundamental they may be.

The degree to which these changes are readily accepted or resisted generally depends on the degree to which the ideological and political influences characteristic of the period running from 1945 and 1989 were assimilated. Fortunately, the best universities were not very much affected.

The Jagiellonian University of Cracow is proud to be included in this group.

The Jagiellonian University of Cracow

One must stress that the Jagiellonian University (the oldest university in Poland, established in 1364), as well as a few others, for instance, the University of Warsaw (the largest university in the country), did not suspend their activities during the Second World War, when all the secondary and tertiary institutions in Poland were closed by the Nazi occupiers. Even the *Sonderaktion Krakau* of November 6, 1939, by which all the professors of the Jagiellonian University were arrested and imprisoned in concentration camps, did not break down the academic community. At great risk for the persons involved, the *underground university* continued to teach, to do research, and to confer Ph.D. degrees.

In 1945, the University resumed its legal activities, once again, according to its traditions and regulations. In the 1950's, however, formal frameworks (by political decision a few faculties were detached from the University to constitute separate higher education institutions), several restrictions (many essential activities depended on central decisions), and increased political and ideological pressures (including influences on the curriculum) made all forms of education and research very difficult.

This sad period, which did include certain subperiods characterized by relatively more limited academic freedom, did not destroy the University either as an institution or as an academic community. The large majority of teachers and students maintained and developed the main values of academe. They preserved their inner intellectual independence. As a result, it became possible to undertake many indispensable reforms and to stimulate the democratic transformation of Poland. As a result, the academic freedom and autonomy of Polish universities became possible.

Regarding the Jagiellonian University, the first step in the changes was simply a return to its academic traditions and customs, including democratic procedures for the election of university leaders and authorities and the elaboration of curricula. This first step was only a beginning, for further fundamental reforms are obviously needed. Some of these are in the process of being made.

Post-communist reforms

The reforms which have been proposed and approved will be adopted in a way which is as smooth as possible and coincides with the fundamental changes taking place, in an atmosphere of serious economic crisis, throughout Poland.

The problems to be solved are generally of two kinds. First, there are the present dramatic difficulties that have been created by budget cuts and lack of space (classrooms, offices, laboratories). Some of these difficulties have resulted from the situation created by the free market economy. Because of the autonomy which has been granted, the responsibilities of the teachers towards society are much heavier than before; also, competition for research grants has become increasingly keen.

These pending problems have not eliminated certain very important if secondary problems concerning the future of higher education in Poland. Polish academics must have a concrete vision of their universities as well as a general vision of the higher education programmes which need to be created in Poland, including professional studies programmes of two or three years' duration. The five-year M.Sc. and M.A. programmes are currently the shortest degree programmes available. Medical studies take six years. Although, B.Sc. and B.A. type degrees do not exist in Poland, the first steps towards their creation are being taken.

The future of Polish higher education

The finest universities in Poland are trying to improve the ways in which they are financed. Expert opinions from a variety of sources, particularly foreign sources, are being sought.

General regulations which would favour the funding of the highest quality institutions in terms of teaching and research are being elaborated. However, this trend is being resisted by the weaker university-level institutions which stand to lose a great deal if such a funding system is fully adopted.

So far as the Jagiellonian University of Cracow is concerned, it is preparing to begin construction of its new campus, despite its very poor financial situation.

Polish universities must develop their international links and create new opportunities, especially for students. Again, there are great difficulties because of the shortage of funds, for instance, for travel. Nevertheless, all the large Polish universities are expanding their international co-operation.

As a final remark, all the Polish universities are involved in the processes of transition of Polish society. Many members of the Faculty of Law of the Jagiellonian University of Cracow are working in numerous state committees which are charged with drafting laws and other new legal frameworks for Polish society. Members of its faculties of science are actively applying the results of scientific discoveries to industry, environmental protection, agriculture, etc. Although such activities, as well as the other public activities of some of the university staff members, may create certain additional problems in the inner university life, their work is obviously worthwhile.

Freedom of Learning in Poland

August CHELKOWSKI

L'auteur souligne l'interdépendance de la science et des droits de la personne, la liberté de la première étant un corollaire de la liberté de l'homme et du citoyen. Dès la fin du Moyen Age, la Pologne ménageait les libertés individuelles et constituait un Etat civique. C'est sur cette base que s'est édifiée dans ce pays la tradition de la liberté de la science qui a été la pierre angulaire de la liberté académique en Europe. Malgré les vicissitudes historiques, la Pologne et les Polonais ont continué, au long des siècles, à lutter pour leur liberté politique et intellectuelle. Sous le régime communiste, la science a été soumise au système des directives et à l'idéologie marxiste. La communauté académique a cependant résisté aux ingérences et a contribué à renforcer l'opposition politique au pouvoir en place. A présent, en Pologne, la liberté de la recherche et de l'enseignement ainsi que l'autonomie universitaire sont garanties par la loi et seront entérinées par la nouvelle constitution. Parmi les tâches immédiates, l'article souligne la nécessité de démanteler les anciennes structures et d'employer la liberté enfin conquise en vue de satisfaire aux besoins du pays et des gens dans cette étape difficile de transformations politiques et économiques.

Introduction

The interdependence of science and personal freedom has always been irresistibly obvious. What is meant here is not simply an unhampered pursuit of scientific goals. Freedom of science is a corollary to the freedom of man and the citizen. In present-day Poland, that interdependence is abundantly clear.

In the late Middle Ages, Poland began to gradually emerge in the public mind as *Res Publica* - a public thing, in other words, a commonweal, a state jointly owned by its citizens, a civic state. Needless to say, back in those days, being a citizen meant being a member of the gentry, of the first Estate, which enjoyed full civic rights in the Kingdom. But it is also worth remembering that back in those days the population of Poland as a whole enjoyed a degree of freedom and liberty that was possibly unparalleled elsewhere in Europe.

Evolution of academic freedom in Poland

It was this subsoil of freedom and tolerance that nurtured the growth of the Polish tradition of freedom of science which later served as one of the cornerstones of European freedom of learning. One evidence of this freedom is the foundation in 1364 in Krakow, the royal capital of Poland, of the Jagiellonian University which happens to be one of the oldest such institutions of learning in East-Central Europe.

In the late eighteenth century, Poland vanished from the map of Europe, partitioned by the three neighbouring powers: Russia, Austria, and Prussia. The political captivity of the Polish people, which lasted until 1918, entailed the subjugation of the Polish scholarly community. It put chains on science as well. Throughout more than a hundred years of foreign domination, the Poles kept fighting for their political and intellectual freedom. And they scored points with regard to the occupying powers. Significantly, when by the late nineteenth century the Poles had attained a degree of political freedom in southeastern Poland, which was then under Austrian rule, they quickly exploited this favourable situation by pushing ahead with the development of scientific institutions, by promoting scholarly ventures at home, and by forging close contacts with important European centres of learning.

When Poland re-emerged on the political map of Europe in 1918, freedom of scholarly pursuits, complete with freedom to publish research findings, were enshrined in the constitution of the country. The law of the land guaranteed the autonomy of university-level schools and officially sanctioned the freedom of the provision of education.

The situation was different in Poland under communist rule. Conspicuously absent from the communist constitution was any provision for freedom of science. Instead, the communist legislators included in the text an assurance of the state's "care for the all-around development of science founded upon the achievements of both leading human... and progressive Polish thought, of science conceived of as the servant of the people".

It goes without saying that the communists did not practice what they preached because their policies vis-à-vis science ran counter to the aforesaid provisions of their own constitution. The state's "care for the development of science" was a byword for the rigid subjection of science to a centralist command system which resulted in an obliteration of both the autonomy of higher education, and of many scientific institutions which provided it. Giving science a foundation of so-called "leading and progressive thought" was tantamount to curbing the freedom of research in Poland, severing the links of the Polish academic community with its counterparts in what was then known as "capitalist states", inviting Soviet domination in the realm of science, subjecting scientific pursuits to the rigours of communist ideology complete with its repressive political police supervision and the censor's blue pencil, and, last but not least, the outright banning of certain fields of scholarly endeavour as "retrogressive". The reference to the duty of the scientific community "to serve the people" was nothing short of harnessing science to the task of building the so-called "base and superstructure of socialist society".

One must stress, at this point, that the Polish academic community resisted such policies by, among other things, helping to build up political opposition to the communist regime. Mention must also be made of a gradual extension of the enclaves of intellectual freedom in Poland which in the end proved to be the largest in all of the communist-dominated world, even though that process suffered from occasional reverses.

Constitutional guarantees

Today, in a Poland free of communist domination, freedom of scientific research, freedom of education, and the autonomy of higher education are guaranteed by law. These freedoms will be enshrined in a new constitution which is to be enacted in the not too distant future. They are spelled out in no uncertain terms in the draft of the constitution worked out by the previous *Sejm* (Lower House of Parliament) and the Senate, elected, it will be remembered, in 1989. The previous Senate had also inaugurated work on a scientific institutions bill which is to include a provision to the effect that scientific research must observe a code of ethical conduct. Even though unethical or downright criminal scientific experiments are obviously prohibited in Poland, steps must be taken to define with greater precision the limits of scientific freedom in order to prevent some research projects from degenerating into activities of which the law-enforcement agencies of the country would take a dim vview.

Tasks for the future

One more problem which Polish science is facing is the reorganization or actual dismantling of certain science-related organizational structures which were created by the communists. These had contributed greatly to the restriction of science in Poland. Science must not be tampered with by any political or economic authorities; instead, these authorities should do their utmost to promote its development.

One of the tasks with which Polish science is confronted nowadays is a better utilization of its newly-gained freedom, this in order to help both the country and the people satisfy their current needs at this truly difficult stage of their history.

Science, conceived of as progress towards truth, needs freedom. Without freedom, science cannot exist. It degenerates into pseudo-science.

On the other hand, those who benefit from the freedom of scientific pursuits, from the freedom to discover the truth, must have the good of humankind foremost in their minds.

The Challenges of the Market and the Response of Higher Education in Russia

Vadim KOKOREV and Victor SADOVNITCHY

Les auteurs se proposent d'esquisser les perspectives futures des universités de la Russie qui, à une époque de profonde transformation sociale, se voient obligées de développer une stratégie de survive appropriée. Selon eux, il faut en premier lieu établir le rôle et la place exactes des universités dans une société qui évolue vers l'économie de marché. L'Etat et la société se doivent de reconnaître la valeur des universités et, par conséquent, de les aider à survivre dans les nouvelles conditions. On souligne l'importance des mesures à prendre en vue d'assurer la subvention des universités par des sources de financement alternatives, aussi bien que de la nécessité d'une législation qui protège la propriété intellectuelle et garantisse la protection sociale du personnel enseignant afin d'empêcher l'émigration. Enfin, on affirme la nécessité de l'autonomie universitaire qui permette le passage vers un système d'enseignement supérieur à plusieurs niveaux. A côté de leur rôle dans le développement socio-économique, moral et culturel du pays, les universités peuvent contribuer, par leurs liens traditionnels, à la stabilisation et à la consolidation des nouveaux Etats issus de l'ancienne Union Soviétique.

Introduction

The difficult period of change in the former Soviet Union and the Russian Federation of today is unfavourable to the reform of higher education. Moreover, education as well as science, health; and culture are experiencing enormous pressures due to the destruction of the centralized-planned economy and to the emergence of wild capitalism.

Given this situation, universities and colleges, in order to survive, are having to develop new strategies, to find alternative sources of financing, and to work out new schemes of administration and planning.

This short article considers some of the principal trends of Russian higher education as it adapts to the challenges of the market.

Current situation

A real threat exists that Russian universities may turn into ordinary institutions of higher education and that other types of institutions of higher education may become nothing more than vocational, commercially-oriented institutions offering narrow fields of training. The situation calls for a comprehensive analysis of the causes and consequences of the phenomenon and the elaboration of scientifically based and practical recommendations for both the short and the long term.

At the start of 1992, the *Russian Universities Project* got underway. It is closely linked to the UNESCO project on *Changes in the Management and Administration of Higher Education: A Comparative Study of Responses to a Market Economy* as well as to the Russian-Swedish Academy Project on *Changes in the Planning, Management, and Administration of Higher Education in Sweden and Russia, Implications for Evaluation: A Comparative Study of Responses to a Market Economy.*

This paper reflects some of the conclusions which are being derived from these two projects. They evoke the present state and the future prospects of Russian higher education during the transition period to a market economy as well as the highlights of the academic/university sector of Russian higher education.

Recommendations

Although Russian society is undergoing profound change, it should form a clear concept of the role and the place of universities and do its best to enable them to survive, despite the profound social and economic crisis. Similar crises have occurred in the countries of Europe and North America as well as in Japan.

The State, represented by its legislative and executive bodies, should be fully aware of the unique role which universities play with regard to the transmission and generation of cultural values as well as the development of the intellectual potential of the country.

If the role of universities with regard to socio-economic, moral, and cultural development is inadequately understood in modern Russian society, the resulting situation might deal a sheltering blow to nascent democracy. Once again, the making of vitally important decisions might become the responsibility of people who lack fundamental education.

Within the framework of the European educational space, higher education in the new Russia, which has accumulated 250 years of its own and 1000 years of European experience, has a good chance of avoiding the unnecessary Americanization that has become a ubiquitous trend. Universities aim first of all at training new generations capable of opening new intellectual spheres and of developing new technologies, thus giving rise to higher standards of living for societies, the full implementation of civil law, and the general progress of world civilization.

University education in Russia can and should guarantee the stable development of civil institutions and social protection against moral and intellectual degradation.

If modern Russian society, which is still excessively conscious of politics and is bewildered, nevertheless shows real concern about the awareness of the problems of its own development, then it is *historically pre-ordained* to give priority to the development of universities. At a time of deep socio-economic crisis, hyperinflation, and the questioning of traditional norms, universities will preserve and promote the intellectual potential of the State and enable it to sponsor national profit-making activities. These in turn will help universities survive.

We are confident that alongside the direct, centralized, and regional state financing of universities, mechanisms for their indirect financing should also be developed by way of tax benefits granted to their sponsors.

Until the question of who owns the property is settled, university autonomy is no more than a myth. It is necessary to have complete records of everything which belongs to universities: buildings, equipment, infrastructure, etc. By having full control of these items, universities can avoid privatization.

The diversification of the sources of funding of universities (with certain restrictions during the transition period) can provide real autonomy and dynamic democratic development for universities.

What Russia urgently needs is comprehensive legislation on intellectual property and the social protection of academics. Otherwise, serious internal and external brain-drain, both in Russia and in the other ex-Soviet states, will occur.

Broad economic and legal provisions for the mobility of the academic staff inside and outside Russia should be enacted. Open university systems, supported by domestic and foreign investments including those by European programmes, will help to solve the brain-drain problem.

Finally, academic salaries in Russia must be raised. The average income of a Russian university teacher, including his social benefits and chances for future stability, fall much below those of other social and professional categories. Thus, a department head at Moscow State University earns nine times less, and a full professor, eleven times less, than a Kuzbass miner.

Given present conditions in Russia, university autonomy should lead to an end to the rigid regulation of curricula and syllabi at all levels. What is needed is flexible and differentiated transformation towards a multi-level system of higher education. Unfortunately, the suggested state reform of post-secondary education is the result of improvisation rather than of a fundamental scientific analysis of the problem in question, one which is far from being simple.

The network of universities in the countries of the former Soviet Union forms a unique link providing intellectual and moral ties and preventing confrontations among the newly independent states.

Conclusion

Close connections among universities and other higher education institutions of the former USSR, if preserved and further developed, can and will contribute to the stabilization of the political, economic, intellectual, and cultural relations of the new states, as well as to their consolidation with the aim of civilized entry into the World Community *on equal terms*.

New Issues and Concerns in Higher Education: The Turkish Case

Kemal GÜÇLÜOL

Afin d'atteindre leurs objectifs fondamentaux, les universités remplissent, traditionnellement, trois fonctions essentielles: i) la conservation et la création des connaissances, ii) la diffusion des connaissances, et iii) la formation de la main-d'oeuvre hautement qualifiée. Cependant, les mutations subies par les différentes sociétés contemporaines amplifient les problèmes avec lesquels se confronte l'enseignement supérieur, leur complexité croissante entraînant l'apparition de fonctions nouvelles exigeant des changements significatifs en ce domaine aussi. Dans ce contexte, l'auteur présente la situation de l'enseignement supérieur en Turquie où les efforts pour assurer un développement qui tienne le pas avec la demande croissante d'enseignement se heurtent à différentes difficultés. L'étude se concentre notamment sur la sélection des administrateurs des universités turques et présente les résultats d'une enquête menée parmi ceux-ci au sujet de leur sélection: plus le niveau des administrateurs est haut, plus ils ont tendance à préférer la "nomination" à l'"élection".

Introduction

The three traditional activities of universities are (a) the training of highly qualified manpower, (b) the undertaking of research and scholarship, and (c) services to the community and to national culture (Higgins, 1989, p. 358). In spite of the significant differences in the needs of different countries, the basic functions of the university have continued to include (a) the preservation of existing knowledge, and the creation of new knowledge, (b) the dissemination of this knowledge and, (c) the training of high level manpower. These continue to be viewed as among the principal functions of universities.

New issues and concerns in higher education

Important changes have occurred from a demographic point of view in different societies. While the overexpansion of population is a serious problem for certain developing countries, the problem of "zero growth", and population decline in advanced countries is a new phenomenon. As the result of the democratization of certain societies, some new concepts such as equality with regard to education and to the rights and responsibilities devolving from it have become important.

Also, demand for higher education has expanded rapidly. Higher education systems are trying to meet the new needs arising from the application of these concepts. They are striving to provide appropriate curricula and necessary resources and to close the gaps and to eliminate the imbalance with regard to supply and demand in higher education. However, issues, concerns, and problems are changing rapidly as are the range of tasks which universities are called upon to accomplish. The latter include (a) international co-operation, (b) assistance to local and national development, (c) establishment of close contacts with business and industry, (d) the provision of second chances in terms of non-formal and short-cycle education, (e) the use of existing resources in optimal ways through the extension of these resources and the creation and use of new strategies and methods, and (f) the planning of higher education. However, just as in other areas, the classical solutions to contemporary problems do not always give the best results. Although autonomy, academic freedom, and the importance of research are considered to be traditional academic values, they continue to be vitally important concerns in universities.

Dealing with issues and concerns

While higher education is becoming less and less élitist in nature and implementation, it is developing great complexity and requiring significant changes. Yet, the sources of problems (as well as the problems themselves) have not always been sufficiently recognized. Although universities have always been places where the greatest minds congregate, they have often been reluctant to change, to adjust themselves, and to assist the societies in which they are located. As a consequence, numbers of sincere, optimistic efforts aimed at creating a suitably renovated form of higher education have not given the expected results.

An examination of the situation in Turkey indicates, first of all, the relative youth of the population. As a result of various developments and reforms, the enrollment figures for education at all levels have already increased significantly. Higher education has not been spared; both the numbers of enrollees and their demands have been increasing rapidly, creating great difficulties for the administration.

Some concerns have not changed at all. For instance, in spite of many efforts to distribute students evenly throughout the university system, little real progress in this domain has been registered. Also, higher education continues to be one of the most important issues in Turkish society. A reduced number of certain faculties, difficulties in gaining admission to a university, the development of appropriate curricula, regional differences among higher education institutions, and the unemployment and underemployment of graduates are other issues and concerns which must be confronted.

However, as is often the case in other countries, questions of organization and administration, including the issues of structures and of regulations are given priority. For instance, most discussions and publications, during the last decade, have dealt with issues of administration, organization, and particularly of personnel policies, as they relate to university administrators.

In 1982, a centralized body, the Higher Education Council, was created and given responsibility for the planning and coordination of higher education institutions in Turkey. The latter, which before 1981 were divided into three groups: universities, academies, and higher institutes, were all put under the umbrella of the universities, as universities and vocational higher schools.

The study

This study attempts to gauge the opinions of ranking university administrators as to the ways in which they and their colleagues were selected.

Methodology

A total of 387 administrators in 20 universities were mailed a questionnaire and an addressed and stamped envelope for the return of the completed questionnaire. A total of 240 administrators returned the questionnaire of whom 111 were full professors, 53 were associate professors, and 31 were assistant professors. The remaining 45 were instructors.

They had all been appointed according to the terms of the existing law. The rectors (university presidents) were selected by the President of the Republic from among the three candidates for each institution as proposed by the Higher Education Council. The deans had been appointed by the Council among the three candidates proposed for each vacancy. The chairmen had been appointed by the deans from among candidates supported by the heads of branches within given departments.

The administrators polled had one to three years of experience in their present positions. All had previous experience in administration (Table 1).

Table 1. **Duration of Work in Present Administrative Positions and Past Experience**

Administrators	Duration of Work in Current Post					Administrative Experience
	1yr or less	1-3 yrs	4-6 yrs	7-9 yrs	10yrs or more	percent
President	----	33.3	25.0	25.0	16.7	75.0
Ass. President	15.4	46.2	15.4	15.4	1.7	53.8
Dean	4.2	39.4	25.4	22.5	5.6	67.6
Ass. Dean	18.8	56.3	12.5	12.5	----	25.0
Chairman	8.1	41.9	26.1	13.2	8.6	39.2

In order to identify the views of university administrators with regard to the selection of persons to occupy posts like their own, they were given eight choices, ranging from "direct election" to "direct appointment".

Table 2. **Preferred Methods for the Selection of University Administrators-Views of Administrators Currently in Office**

Types of Administrators Polled	**Preferred Methods of Administrators**					
	Presidency	**Ass.Pres.**	**Deanship**	**Ass.D.V.**	**Dir.of Inst.**	**Chairmanship**
President	VI	VII	VI-VII	VII	VII	I
Dean	I	VII	I-V	VII	VI-VII	I
Chairman	I	VII	I	VII	I	I

The Methods of selection

I: Election by faculty
II: Election by faculty and assistants
III: Election by groups in II and student representatives
IV: Election by groups III and administrative personnel
V: Appointment of elected candidates
VI: Appointment of candidates of supervisors
VII: Direct appointment
VIII: Others

Findings

As indicated in Table 2, the presidents mostly support either direct appointment or appointment by nomination for all categories, except for the chairmen. The presidents, the deans, and the chairmen support direct elections for the chairmanship. The deans and the chairmen also support direct elections for the presidency. There are some differentiations in the cases of other categories. However, all administrators support the direct appointment of deans, assistant presidents, and presidents as well as the directors of institutes. Chairmen also support the free election of directors.

Table 3. Preferred Methods for the Selection of University Administrators - the Views of Current Administrators

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Administrators: Categories and the Methods They Preferred (in percents)

	I	II	III	IV	V	VI	VII	VIII
Administrative post to be filled	P D C	P D C	P D C	P D C	P D C	P D C	P D C	P D C
Presidency	- 37 58	- - 4	8 - 3	- - 7	17 28 16	50 21 5	17 6 6	8 6 2
Ass. Pres.	- 1 16	- - 3	- - 1	- - 2	- 14 15	8 1 7	75 66 42	- 7 6
Deanship	8 31 51	- 3 7	- 1 6	- 3 6	17 30 17	42 18 7	25 3 3	- 9 4
Ass. Deanship	- 3 14	- - 4	- - 2	- - 3	- 13 14	8 4 8	83 65 41	- 7 6
Dir. of Inst.	- 24 44	- 1 8	- - 3	- 1 4	- 27 17	25 10 8	67 24 11	- 9 4
Chairmanship	42 39 45	- 7 15	- 1 6	- 1 4	8 23 14	17 4 5	17 10 6	- 7 4
Chairmanship	- 5 12	- - 6	- - 3	- - 2	- 13 11	8 4 8	67 61 43	8 7 6

P : President; D : Dean; C : Chairman.

I: Election by faculty
II: Election by faculty and assistants
III: Election by II and student representatives
IV: Election by III and administrative personnel
V: Appointment by election
VI: Appointment of candidates
VII: Direct Appointment
VIII: Others

Conclusion

Although higher education has retained its traditional functions, it has also assumed new ones. The changes which the world is undergoing definitely require that the nature and the strategies of higher education institutions also undergo changes. Some issues and concerns are common to all countries, but some vary from country to country. Although there seems to be a common belief that change is easily undertaken through a process of modifying laws, regulations, and the structures of higher education institutions, the reality is somewhat different, even in the case of Turkey.

In Turkey it seems that university administrators do not support current practices relating to the selection of university administrators. Their attitudes in this regard should be further studied because of the influential roles they play in their respective organizations. They are called upon to resolve controversies over administrative matters and to solve problems related to ever increasing demands, limited resources, differences among higher education institutions, and shortages of well-qualified faculties.

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Academic Freedom and University Autonomy in the USA

George E. PALADE

L'auteur propose une approche historique afin de présenter les principes de la liberté académique et de l'autonomie universitaire à travers les trois étapes importantes dans l'évolution des établissements d'enseignement supérieur des Etats-Unis: le collège américain, l'université américaine et l'université américaine comme unité d'études et de recherches intensives. Dans cette perspective, les traits fondamentaux du système d'enseignement supérieur des Etats-Unis sont l'adaptabilité et l'indépendance, qui peuvent avoir comme conséquence une variété déconcertante; un système de subventions qui exploite toute ressource disponible; le polymorphisme, dû en large mesure, au fait qu'on a greffé les nouvelles formes sur les formes préexistantes: l'université de type allemand sur le collège américain et l'université comportant une activité de recherche intensive sur l'université américaine, alors que les formes préexistantes continuent à subsister; enfin, l'éveil aux principes de la liberté académique et de l'autonomie universitaire. Le problème à résoudre est de savoir dans quelle mesure ces principes doivent être adaptés au nouveau climat d'interactions intensives entre le monde universitaire et celui des affaires.

Introduction

This discussion of Academic Freedom and University Autonomy in the United States adopts a historical approach in order to better explain the evolution of these principles and their meaning within the American context.

Three important phases can be recognized, according to dominant type of institution, in the evolution of higher learning in the United States: the American college, the American university, and the American research intensive university, each of which in turn is discussed.

The American college

Academic freedom and university autonomy have evolved continuously, but at varied rates ever since the founding, early in the seventeenth century, of the first institutions of higher learning on North American soil. The first one was Harvard in 1636, the second was William and Mary in Virginia in 1693, and the third was Yale in Connecticut in 1701. Many others followed. They were all colleges that followed the English model, except that they interacted more closely with different Protestant denominations. The initiative in founding a new college almost always came from the local clergy.

The goal was to educate young men with a strong stress on religious values, so as to produce educated gentlemen of good, strong moral character who could, upon graduation, function as clerics, judges, administrators, civil servants, or political leaders. The same kind of educational background was assumed to be appropriate for any one of these professions and for a few others as well.

The organization involved a small number of professors or instructors, a larger student body, a strong president - the dominant figure of the college, as a rule a clergyman - and a board of overseers or a corporation, the functions of which were to integrate the college into the life of the local community, to generate the funds necessary for keeping the college in operation, and to keep an eye on the professors because of the ever present risk of deviation from sectarian orthodoxy. The overseers were also, more often than not, members of the clergy of the respective Protestant denominations.

The curriculum was essentialy the same for all students: classical studies, which meant Greek and Latin, religious doctrine, rhetoric, oratory, in some cases mathematics, and, in the fourth year, a course in moral and intellectual philosophy given by the president himself.

Since both the curriculum and the approach to teaching were fixed, neither the faculty nor the students had any choice as to what was taught and learned. If academic freedom means the right of a faculty member to select the topic and the methods of teaching in his own field and also the right to do research and to publish his findings without interference from authorities above him, then academic freedom did not exist in these early colleges either for faculty or for students.

However, some form of institutional autonomy was already part of the basic organization. The college was a private institution, registered with the local government, yet essentially free of interference by the temporal authority of the state (or the colonial government). But the influence of the church (usually an established church) was dominant, and faculty self-rule as opposed to presidential rule rarely applied. Hence, in this sense, college autonomy was limited. The faculty participated in college governance, but all important decisions, including faculty appointments or dismissals, were taken by the president and the Board of Overseers.

An important feature of the American college was its collegiate way of living - also imported from England. The students lived (except during vacations) at the college, slept in dormitories, and ate in commons. And most of the colleges were placed in the countryside, in bucolic surroundings. The collegiate way was also adopted by colleges in urban environments because dormitories and commons served to shield young students from the corrupting influences of the populace. Throughout the years, the college system and the collegiate way had acerbic detractors as well as enthusiastic admirers.

Yes - it kept young men and later on young women away from the realities of everyday life in their communities. Moreover, it kept them away from contemporary societal interests, but it allowed the students to develop extracurricular activities in the form of literary (debate) societies, fraternities, and gymnasia for athletics;

Yes - living in dormitories and eating in commons generated perpetual problems;

Yes - a good part of the time of the president and faculty was devoted to household activities including the enforcement of discipline;

Yes - the local town people (if such existed) resented the loss of business, taken over by the college, which could have been generated by student room and board.

Nevertheless, there were also redeeming aspects, positive traits, that explain why under different variants the collegiate way has survived in many American colleges and universities up to this very day. The collegiate way created a climate in which strong social, friendly ties were forged among students. A college class of a given year often became a distinct social entity that survived graduation, essentially forever. Moreover, the collegiate way, working on imprintable young souls and minds, created that special, precious entity which is the devoted alumnus. In time, alumni became strong financial and moral supporters of their *alma mater*'s.

Evolution of the American college

After the War of Independence and by the beginning of the nineteenth century, it had already become clear that the old colleges with their classical-theological curricula and their collegiate ways did not offer the best means to educate leaders and professionals for a union of democratic states engaged at that time in a period of rapid growth. Thomas Jefferson, the political genius of that period, the American apostle of the French enlightenment, the amateur architect and universal organizer of whatever needed organization in the new American nation, conceived a new notion for institutions of higher learning and founded the University (not college) of Virginia.

The University was a state institution, but it had a board of governors among whom was Jefferson. From the old college, it retained the collegiate way (the dormitories and the commons), but the curriculum was radically different. The University had eight schools: classical languages, modern languages, mathematics, natural philosophy, natural history, anatomy and medicine, moral philosophy, and law. Additional schools for commerce, manufacturing, and diplomacy were considered but set aside because of lack of sufficient funds. A student could choose any one of the schools and concentrate his studies there. There was no common curriculum. Every faculty member selected his own school and had the prospect of expanding it in keeping with progress in his field. Clearly the principles of academic freedom and university autonomy were there for everybody to see. The goal was shifted to intellectual pursuits and to the practical professional needs of contemporary society. Theology was left out. The students - after some hesitation as to title - were graduated with Master of Arts Degrees (not with Bachelors' Degrees). The stress was put on graduate studies.

Jefferson, an ardent admirer of Andrea Palladio, designed the buildings and gardens of the University, assigned a proper place for each of its eight schools, supervised the construction, and guided the University through its early years of activity. But after his death, the Board of Trustees was unable to raise the funds needed for the operation of this ambitious scheme, and slowly the University reverted almost to the old college level. Thomas Jefferson was ahead of his times by more than fifty years. Other attempts (in New York) along the same lines failed, and the traditional colleges, with Yale in the lead, took the counteroffensive. The country, said their manifesto in 1828, did not need universities to train professionals. It needed well-educated men, the product of traditional colleges. Character was more important than knowledge, and knowledge, but not character, could be acquired on the job.

In recent American literature, the old American college has been criticized, often unjustly, for its failure to produce educated professionals and for its slow, reluctant adaptation to changing economic and social conditions. But it can be argued that what the United States needed at the time, when the economy of the country was essentially agrarian, were factotum trainees - educated men capable of successfully undertaking a diversity of tasks. Moreover, - "*die Zeiten der Vergangenheit: Das ist im Grund der Herren eigner Geist in dem die Zeiten sich bespiegeln*" - it is not entirely fair to judge, with our late twentieth century scale of values, the efforts of our seventeenth and eighteenth century predecessors.

In fact, colleges gradually changed their curricula. The role of the clergy in their governance diminished; academic freedom for the faculty became prevalent; and college autonomy attained a level of respectable reality. Moreover, after the Civil War, colleges proliferated throughout the midwest and the west of the country as a result of the decision of the federal government (the Morrill Act of 1862) to endow every state with a grant of 30,000 acres of land for each of its senators and congressmen for the founding of new colleges and universities.

This effort was the first and, with marginal exceptions, the last massive show of interest of the federal government in higher education.

The original intent was to impart to the land-grant colleges a practical mission, to develop teaching programmes in applied sciences, namely agriculture and the "mechanical trades". Hence, the abbreviated A. and M. designation of some of them still exists. But success along this line was limited.

The American university

After the Civil War, the country, as a whole, became highly industrialized, and the national economy boomed. At the same time, the concept of the university as a better institution of higher learning than the college began to come back, in force, to the fore, fifty years after Thomas Jefferson's initial but unsuccessful efforts at the University of Virginia. If means, beyond those provided by the federal government were becoming available, many colleges were ready to become universities rather than convert to the rank of glorified trade schools. Educated young men were needed to man positions of leadership in the metallurgical industries, in railroad construction, in the oil and coal industries, in all kinds of manufacturing industries, in communications, in banking, and in business administration. For all these new ventures, the old college graduates, the educated gentlemen of strong moral character, were obviously no longer the right persons.

To fulfil these new demands, new institutions - polytechnic institutes - were founded. The old colleges modified their curricula. Women's colleges were founded, and new universities were created. State governments realized that it was in their interest to support these new universities, and soon practically every state in the Union had its state university with one or more campuses. Moreover, the states began to compete with one another for this kind of activity, part of it out of enlightened self-interest and part of it for prestige at the national level. But the lead in organizing the new American universities came from private institutions, not from the states. Their leadership was usually the result of the co-operation of a strong president with a generous supporter who had made a fortune in business. The first example was Cornell University. Mr. Cornell was also the founder of Western Union, the successful telegraph company of the era. The second example was Johns Hopkins University which was founded in 1876 and named after a wealthy Baltimore merchant who had made his fortune in the Baltimore and Ohio Railroad.

Johns Hopkins University, prompted by its first president, Daniel Coit Gilman, made the critical decision to adapt the German research universities as a model, for at that time, these were considered to be the avant-garde of European higher education institutions. This meant that the acquisition of new knowledge, therefore research, became either the primary objective of the institution or an objective of equal importance to the transmission of already available knowledge to the young generations. The old colleges had either ignored or discouraged research. It also meant that great importance was attached to scholarship, study in depth, and efficiency. The pace in the old colleges was leisurely, and the performance, more dilettantish than professional.

The tenets of the German university were grafted, however, on the American college structure, which meant that the collegiate way and some of the principles of college organization, including, in particular, the Board of Trustees or Overseers, survived. The boards acquired, however, an entirely new complexion. In private institutions, the trustees were now no longer clergymen, but successful businessmen or professionals, soon to be complemented by elected alumni, one of the endearing and much appreciated products of the *alma mater*.

In state universities, success in business was still the primary criterion, but party politics also become an important consideration because the trustees were (and still are) appointed by the elected governor of the state. However, since the term of office for trustees was usually longer than that for a governor, the membership of the board acquired, in time, some degree of political balance.

The functions and missions of the board remained the same as in the college era: to establish a link with the social environment of the university; to provide a buffer or a shield to guarantee academic freedom and university autonomy against possible inroads from transient variations in political forces; and, equally important, to generate the resources needed to operate the often vastly enlarged activities of the university (by comparison with those of the old college). This latter function required political connections in state universities and innovating elements that could capture the attention of philanthropists in private universities.

The Board of Trustees was important, but the crucial person in the life of every American university became its president. He was the spokesman that defended the budget of his institution in state legislative assemblies as well as the powerful voice for progress and innovation that was needed for generating resources from private sources as well as for recruiting high quality faculty for his university. At the beginning of this century, legendary presidents appeared on the scene. William Rainey Harper at the newly founded University of Chicago secured the support of John D. Rockefeller, Sr., and succeeded in recruiting for his new university a sizable number of famous faculty members from the old colleges and universities of New England. He is only one example among many.

Great opportunities for institutions of higher education, especially for universities, were emerging all over the country, and almost unbelievable amounts of money were made available from private sources. Between 1903 and 1913, John D. Rockefeller, Sr. and Andrew Carnegie separately put $300,000,000 in four different foundations, the mission of which was the improvement of higher education and health conditions in the United States and abroad. Those 300 million dollars had the buying power of almost 4.5 billion in 1992 dollars.

Every university president tried very hard to get a fraction of this bonanza, but those shrewd businessmen and their advisors set up special conditions. They invented the principle of matching funds. The university had to generate from other sources an equal amount of money. They required a general improvement in the quality level of the faculty. Carnegie, for instance, required that all department heads hold the doctorate. They also required improved financial management of the affairs of the university.

Carnegie initiated the first pension system for college and university professors. To qualify, the institutions had to give up their connections with different churches, meaning their connections with the past, and many of them did.

Although the philanthropic foundations did, in fact, intervene in the usual operations of the American universities, they succeeded in mobilizing the energies of the latter by whetting their appetites for resources and in improving the standards both of the faculty and of the administration. The Boards of Trustees did not attempt to control the bonanza; in fact, they welcomed it, and the foundations, with remarkably few exceptions (Stanford was the prominent case), refrained from interfering with the teaching and research activities of the universities. It was, in fact, an unusual and remarkable period in which the funding of American universities was greatly increased by philanthropic foundations and by state governments with a minimum of interference. Support from private benefactors has never recurred on the same impressive scale. So one may quote nostalgically: "*mais où sont de Constantinoble les empereurs très honorés....*"

The universities and many colleges acquired strength while safeguarding academic freedom and university autonomy. For the student, however, freedom never reached the *Lehrfreiheit* level of the German system: the freedom to move from university to university in pursuit of a self-organized curriculum. The undergraduate was able to select his major and minor programmes of study and had a menu of core courses and electives. The graduate student, especially the professional school student (medicine, law) had, as a rule, to take a prescribed set of courses.

For the faculty, academic freedom in the sense of *Lehrfreiheit* applied only within boundaries: teaching activities were restricted to departmental responsibilities and, in professional schools, to prescribed curricula. Freedom of research and publication was essentially complete, subject to the ability to generate funds from outside sources for research, and to the quality control exercised by editorial boards of scientific or scholarly journals. These conditions have remained essentially the same throughout the last part of this century. Throughout this period of dramatic changes and spectacular growth, there were remarkably few attempts by state authorities, private foundations, or members of boards of trustees to interfere with the principle of university autonomy, i.e. the right of the faculty to self-rule.

The only major and profoundly upsetting exception came from the legislative branch of the federal government, more precisely from the House Committee on Un-American Activities, the central figure of which was the Wisconsin Congressman, Joseph McCarthy. The Cold War was the dominant element of the domestic climate, and this basically threatening condition was exacerbated by spy-trials and the Korean War to the level of general suspicion of all members of the community, including the academic community, suspected of far left or Communist Party affiliations. McCarthy's Committee succeeded in creating an atmosphere of great, but unnecessary, insecurity bordering on hysteria based on the idea that the country, including its universities, were undermined by appeasers, spies, communists, or communist sympathizers who had to be uprooted lest the country be taken over by communists.

The uprooting instrument was a loyalty oath required of essentially every faculty member. The central theme of the oath was: no membership in and no affiliation with the Communist Party. The force of this wave of dark suspicion was such that neither the President (Eisenhower) nor the Congress was able to stop it. The boards of trustees of universities, including the Board of Regents of the University of California, attempted some resistance but finally collapsed and made the oath mandatory. Whoever refused to take the loyalty oath out of principle or self-defense was fired, irrespective of his or her tenured or non-tenured position in the academic ranks.

Boards of trustees throughout the country from Harvard to California had failed in their mission to protect university autonomy from political vicissitudes. Hundreds of academics lost their means of existence and came at the same time under a black cloud of general suspicion. It took years, following the demise of Joseph McCarthy, for these people to be rehabilitated. While it might be argued that none of them was sent to prison or liquidated Lublianka-style, the United States, at that time, was a democracy, not a totalitarian state.

After the storm had quieted down by the mid-1950's, university autonomy regained its traditional position and has retained it up to the present.

The research intensive American university

During the Second World War, the government of the United States mobilized the academic and scientific community to work on a wide variety of defense projects from new weapons and improved ammunition to health care for the armed forces. This home army of scientists and technicians scored momentous successes among which the atomic bomb remains the outstanding example. After the war, the man who coordinated the overall effort, Vanevar Bush, published his report to President Roosevelt in book form under the title, **Science: the Endless Frontier**. The central theme was that in all fields, from industry to medicine and health care, the future of the country would depend on scientific research called for to solve remaining and future problems. Moreover, the size of the effort and its importance for the future of the nation made necessary the massive investment of federal resources. The immediate result was the creation of the National Science Foundation and, in due time, of the National Institutes of Health. Their combined 1992 budgets amounted to more than ten billion dollars. In both cases, the initiative in research was delegated to the periphery. Any faculty member could apply for support of a research programme of his or her own design. The projects were judged, not by bureaucrats, but by scientists working in groups called panels or study sections, and if the application was approved and funded, the money went to the university or college of the applicant. The grantee institution added some extra costs - indirect costs - to cover the use of its facilities and the expenses involved in the administration of the funds.

In keeping with the unequal distribution of research talent, this process led to the emergence of research intensive universities and medical schools. In the operating budgets, research money in the form of direct and indirect costs often amounts to 60 to 80 percent of the total. At present, out of 440 universities and colleges, 24 account for 50 percent of the federal support, and out of 125 medical schools, 24 collect 55 percent of these research funds. Moreover, these research intensive institutions compete continuously for research funds and for ranking within their group. Many American universities now depend for their day-to-day operations on funds raised by the faculty, not by the administration or the Board of Trustees. Yet faculty members have no direct part in the decisions affecting the present status and the future of their universities. Decision-making is still the exclusive province of the central administration and of the Board of Trustees. This is the first internal contradiction that may in the future (the immediate future) affect the stability of the research intensive universities.

The stress put on research for faculty appointments and promotions leads to less attention for teaching. Finally, in many cases, advances in research are so striking and the potential for direct industrial or medical application, so evident, that a whole high technology and biotechnology industry has developed around major research intensive universities. Faculty members act as scientific advisors and consultants in these new industries, and in quite a number of cases, faculty members become businessmen, organizing and running these corporations for profit. In redeeming gestures, they from time to time remember their *alma mater*, giving her substantial gifts. The barriers which previously separated the private sector from academe are crumbling. Conflicts of interest are unavoidable, a situation which creates the second type of internal contradiction. Can the activities of the faculty be at the same time governed by the rules of academe and by those of the business world?

This new experiment in the life of the American university is still running its course. The results are unquestionably of high value for the well-being and the health of society at large. The question which is still awaiting an answer is the following: what solution can ensure simultaneously the health of the university and the retention of the two cardinal elements of its mission, the acquisition of new knowledge for the general benefit of society and the efficient transmission of the body of knowledge in each field to successive generations of students.

Conclusion

In light of the historical evolution of academic freedom and university autonomy in the colleges and universities of the United States, we can identify the following basic traits of American higher education:

- (i) Adaptability, sometimes delayed and perhaps reluctant, but nonetheless, efficient;
- (ii) Lack of imposed conformity, in fact, at times, bewildering variety;
- (iii) A pluralistic support system which amounts to tapping whatever resources become available;
- (iv) Polymorphism in size and scope due in large measure to the grafting of new forms on some of the pre-existing forms: the German university on the American college and the research intensive university on the American university, while the pre-existing forms, colleges and universities, continue an active existence;
- (v) And finally, a late awakening to the principles of academic freedom and university autonomy, which, with rare exceptions, have been reasonably well-respected and defended.

The question to be answered in the near future is to what extent these principles must be adapted to the new climate of intensive interactions between academe and the private sector (the business world).

Academic Freedom and University Autonomy in the Spanish Constitution

Encarna Roca TRIAS

La Constitution de l'Espagne prévoit que l'autonomie des universités est reconnue dans les termes établis par la loi. Encore faut-il préciser qu'il y a forcément des limites imposées par l'existence d'un système d'enseignement supérieur chargé de coordonner l'activité dans ce domaine. Aussi bien les droits que les limites à ne pas dépasser sont définis dans les Statuts de chaque université. La liberté définie par la loi interdit aux universitaires de déformer la vérité. Il existe une tension entre l'autonomie universitaire et les libertés académiques.

With regard to the right to education, Article 27.10 of the Spanish Constitution states the following:

> the autonomy of the Universities is recognized according to terms established by law.

The Constitutional Court, in rulings of 27 February 1987 and 23 February 1989 stated that autonomy is a constitutional right of the Spanish Universities, and that

> [its] ultimate basis has to be found in the observance of... academic freedom, that is the freedom to teach, study and [do] research.

The Constitutional Court stated additionally that

> the protection of these liberties as regards... any public power constitutes the reason for the existence of that autonomy, which requires [academic] freedom to be guaranteed as much individually as collectively, according to the adopted organizing model.

(Ruling of the Constitutional Court of 23 February 1989).

Nevertheless, this right to autonomy is not an absolute right, as it can only be exercised within the conditions established by law. According to the Constitutional Court itself, legislation cannot establish regulations for aspects of university organization which are beyond constitutional limits. The right to autonomy means that Universities have full decisional capacity in those areas recognized to them by law. It also means that this right has some important limitations derived from the existence of a national university system which implies an unquestionable coordination.

Therefore, a first conclusion that can be reached is that university autonomy in Spain is subject to an organizational system which implies that the individual universities can establish their own rules themselves subject to the proviso that these rules conform to the general regulations according to which the University System operatos.

In fact, the Spanish State has established the legislation with regard to academic freedom and university autonomy on a double basis:

- it protects the freedom of teaching and of research in individual institutions, the autonomy of which is limited;
- it guarantees to all Spanish citizens the right to study and the conditions under which university degrees are awarded.

University autonomy manifests itself in the following areas:

- **academic autonomy**, i.e. the establishment of course programmes;
- **financial autonomy** including management;
- resources administration;
- selection and promotion of academic staff.

For the regulation of these areas, the law requires that the Universities draw up what are known as *Statutes*. The Statute of a University is an autonomous set of regulations in which the power of the University itself is defined within established legal limits.

One of the most important limits to university autonomy is academic freedom, as recognized as a fundamental right by the Constitution (Art. 27).

Within the provision of the fundamental right of freedom of expression, the Constitution includes academic freedom, as the right of all teaching staff to express their ideas in the execution of their professional activities and to carry out the research that they consider most appropriate using whatever methods they wish.

Clearly, however, this right is not absolute, for its application is limited by the ultimate purpose that academic freedom should have. Several consequences ensue. The first of these is that the truth may not be misrepresented through the intentional use of scientific methods that distort historical conclusions or truths or which attempt to present as truths falsehoods that have been objectively recognized as such (see, for example, the ruling of the Constitutional Court dated 11 November 1991 on the subject of the Neo-nazi theory according to which the Jewish holocaust during the Second World War did not take place).

The second consequence is that freedom of speech, and therefore of academic freedom, cannot be used in a way which impugns the honour of other citizens.

The third is that academic freedom should be understood as being effective only within the context of the professional environment; that is to say, as a freedom that refers to the form in which the profession in question is practiced, which cannot be restricted for political or other reasons. This freedom is not considered to exist, or, at least, the situation is not considered one in which the fundamental right is at issue, in cases in which a teacher expresses opinions in the media as a citizen.

These limitations may create tensions in the relations between the two fundamental rights in question. The first of these, university autonomy, is considered to be a fundamental institutional right as regards the State and the organizational freedom of the university. The second, academic freedom is a guarantee to the university teacher/researcher in regard to the State and the institution employing him in that it upholds the right of freedom of speech of all citizens, which, for university members, is expressed as academic freedom.

A New Serbian Law on Universities and University Autonomy

Branimir DJORDJEVIC

L'auteur prend en compte quelques solutions possibles au problème de l'autonomie universitaire, susceptibles d'être incluses dans la nouvelle Loi des Universités de la République de Serbie. Cette loi, censée assurer le développement de l'autonomie universitaire en accord avec les principes de la Magna Charta des Universités Européennes définit les universités comme des établissements indépendants comprenant des facultés en tant qu'unités académiques (à compétences et responsabilités clairement établies et bien équilibrées) et insiste sur l'unité de l'enseignement et de la recherche. Elle devrait habiliter les universités à devenir propriétaires des biens qu'elles gèrent mais qui appartiennent à l'Etat, ainsi qu'à fonder leurs propres instituts et entreprises en vue d'une meilleure adaptation à l'économie de marché. Parallèlement, il est nécessaire de rendre possible la création d'universités privées. En principe, le concours d'entrée et le numerus clausus doivent être maintenus avec, toutefois, la possibilité d'admettre, si possible, un nombre supplémentaire d'étudiants. Malgré une certaine tendance à renforcer le rôle de l'Etat (dont les représentants participent aux travaux du Sénat), l'autonomie universitaire est désormais reconnue comme une condition nécessaire pour le développement général de la société.

The 1990 law

The 1990 Law on Universities was the first law of any kind passed since the Second World War in Serbia to include the word *university* in its title. Passage of this law was strongly influenced by the universities, a result, among other things, of the fact that the Committee for Education, as the body was then called, was headed by a university professor. The Law provided necessary legal preconditions and grounds for such a level of university autonomy which would give the universities the right to design and carry out their educational and research programmes independently of any external source of influence and authority.

Schematic Presentation of the Serbian 1990 Law on Universities.

1990 Law on Universities

Undergraduate and postgraduate curricula drawn and carried out independently; election of faculty and university officials and representatives free from any external sources of influence and authority; financing relying on the Republican Funds for Education, Science, and Technological Development.

New Law on Universities

Universities defined as independent institutions incorporating faculties as academic units with clearly defined and well balanced competences and responsibilities; inseparability of educational and research activities; introduction of the possibility of founding private universities/faculties; legal promotion of university property; universities entitled to establish their own institutes and enterprises; numerus clausus set by the People's Assembly of the Republic; mandatory entrance exams; budget financing on the basis of the scale of norms and standards; and general and branch collective (contracts).

According to the 1990 Law, undergraduate and postgraduate curricula and programmes were drawn up at university level. Their realization, however, was completely the responsibility of the faculties as academic units fully empowered to implement course programmes. As for educational and research curricula and programmes of interdisciplinary and multidisciplinary orientation, the Law entrusted their design and realization to the universities, considering them capable of the most efficient combination of various faculty resources.

The 1990 Law ensured the right of the faculties to choose their teaching staff independently, subject to approval at university level. This practice was institutionalized in order to ensure standardization and unification of the election criteria. Approval at university level was also needed for the proposed contents of masters' and doctors' theses. These and other highly responsible duties of the university were undertaken by the University Scientific Council, the body which is composed of the highest levels of university experts, all of whom bear the academic title of associate or full professor.

The election of the highest faculty officials, deans and vice-deans, was carried out at faculty level, whereas the election of top university representatives, rectors and vice-rectors, was accomplished at the level of the University Scientific Council subject to approval by the University Senate.

The financing of the universities, as postulated by the 1990 Law, relied on the existing Republican Funds for University Education, Science, and Technological Development. The structure of the councils of these three funds was such as to provide for considerable influence by the universities, since they included university professors and even rectors.

Structural Presentation of a Serbian University

University

Independent corporate institution entitled by the State to carry out educational and research programmes and activities with the guaranteed freedom of educational and research work; creates internal educational and research policy; co-ordinates the work of faculties; designs and organizes courses in newly promoted disciplines, mostly interdisciplinary and multidisciplinary; approves proposed promotions of the members of teaching staff and new elections; approves proposed themes of masters' and doctors' theses; guides and manages international and inter-university co-operation.

Main bodies

University Senate: responsible for global policy, and administrative and financial issues; endorses election of rector and vice-rectors.

University Scientific Council: deals with global and specific educational and research issues; approves proposed promotions of the members of the teaching staff; approves masters' and doctors' theses; elects rector and vice-rector.

Structural Presentation of a Serbian University Faculty

Faculty

Academic unit, independently organizes and carries out undergraduate courses, postgraduate - specialists' and masters' courses, doctoral studies, research programmes; elects dean and vice-deans.

Main bodies

Faculty Senate: deals with organizational and administrative matters.

Faculty Council: deals with educational process and scientific work.

Organizational structure

Departments: functional educational and research units.

Academic teaching chairs: professional entities organized for related subjects.

A new draft law

The new Constitution of the Republic introduced the budget financing of universities. It also led to the beginning of an initiative for the elaboration of a new Law on Universities. According to the procedure laid down in the new Constitution, the new Law will be passed by the People's Assembly of the Republic upon the legislative proposal of the government of the Republic. As the result of an initiative of the Serbian universities which was readily accepted by the government, the draft bill was prepared by the Association of Serbian Universities (Rectors' Conference).

The new Law is intended to bring about some rather important changes which should be reflected in the sphere of university autonomy and a somewhat changed university-state relationship. One of the most important assumptions which was taken as a starting point in the elaboration of the new Law was that it should secure the previously attained level of university autonomy and anticipate solutions which would enlarge it for the benefit of the whole of society. In other words, the new Law is supposed to ensure the development of university autonomy in accordance with the well-known provisions of the Magna Charta of European Universities (1988). What is meant is that universities and faculties will be expected to be completely independent so far as the design and realization of their curricula and programmes, the election of their highest officials and representatives, and other professional issues are concerned.

An important change which will be promoted by the new Law is the possibility of founding private universities and faculties. Certainly, their establishment would be conditioned by the obligation of private founders to fulfil basic conditions with regard to space, equipment, and staff which are prescribed as mandatory with regard to the founding of state universities and faculties.

Secondly, the new Law will lay stress on the unity of teaching and research in the university context, particularly in areas which have been designated as being of special social concern.

One of the provisions of the new Law is expected to regulate the problem of the ownership of property which, although entrusted to universities, is formally treated as public property. The new Law is expected to make formal transfer of ownership to the universities. The powers of the State with regard to university property will be reduced to one of control in the case of possible transfers of property. In other words, universities will not be permitted to transfer any of their properties without the approval of the State.

So far as the organizational structure of universities is concerned, a prevailing opinion is that they should be defined as firm corporate institutions incorporating faculties as academic units with clearly defined and well-balanced competences and responsibilities. Particular attention is directed at the avoidance of any infringement on the functioning of the faculties in view of their fundamental competences and autonomy with regard to their educational and research programmes. The new Law is also expected to give the universities an opportunity to design and organize course and research programmes in newly promoted disciplines, mostly of interdisciplinary and multidisciplinary orientation. The Law will also grant to the University Scientific Council the right to approve the election of university teachers as well as the proposed contents of masters' and doctors' theses.

Another important novelty which will be promoted as a result of the new Law concerns the right of the universities to establish their own institutes and firms in order to provide necessary grounds for market-oriented behaviour on their part as important promoters of new technologies.

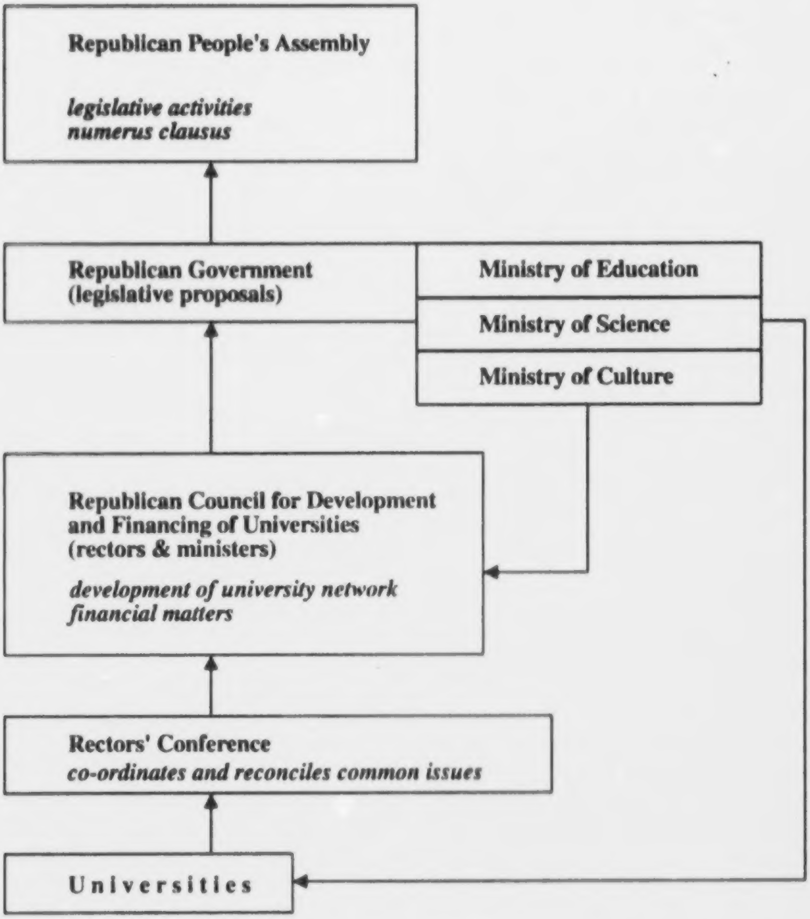
The new Law will probably permit the State to retain its right to determine the number of first-year students who can be enrolled every academic year according to the so-called *numerus clausus* procedures. This number would continue to be set by the People's Assembly of the Republic both for the state and for the private universities. According to the Constitution of the Republic, the candidates who show that they have the ability to study at a university (by being successful on the mandatory entrance examination) within the prescribed *numerus clausus* limits are entitled to free tuition. However, if the available capacities of a faculty allowed for the admission of more students than the number as set by *numerus clausus*, the faculty would be authorized to apply for more places and to enroll an additional number of students who would be required to pay tuition fees. The sum to be paid by the *extra-quota* students would be determined by the State.

With regard to the state-university relationship, an additional way by which the State would be able to influence university affairs, which will probably be embedded in the new Law on Universities, is the following: The Law will so structure the university senates as to ensure the participation of State representatives in the work of this body. As proposed in the draft bill, the number of State representatives in the university senates would not exceed one-half of the total number of senate members. As students would also participate in the work of these senates, they would thus have the possibility and the right to take an active part in setting global university policy (one of the most important responsibilities of the senates).

Diagram 1. The State-University Interface

State - Universities Relationship

Management and Decision-Making


Republican People's Assembly
legislative activities
numerus clausus
Republican Government
(legislative proposals)
Ministry of Education
Ministry of Science
Ministry of Culture
Republican Council for Development and Financing of Universities
(rectors & ministers)
development of university network
financial matters
Rectors' Conference
co-ordinates and reconciles common issues
Universities

Conclusion

As the new Law has in fact not yet been passed, much of its provisions can only be viewed as tentative. Because the People's Assembly of the Republic will play the decisive role in the final creation of the Law, the expectation is that certain changes will be made in the draft as a means of strengthening the role of the State. However, it seems very probable that basic orientations incorporated in the draft bill will survive the inevitable legal procedure and appear in the final text of the Law, because many officials in the government have already realized that an autonomous university is a necessary precondition for overall social development.

The Notion of University Autonomy and Academic Freedom: The Case of the New Democratic Order of the Republic of Macedonia

Dimitar MIRCEV

L'auteur expose la situation existant dans la République de Macédoine, qui s'est déclarée indépendante et souveraine en novembre 1991. Il fait remarquer que cette République n'est pas impliquée dans les guerres qui déchirent actuellement l'ancienne Yougoslavie, ce qui lui permet de prêter davantage d'attention à la qualité des transformations politiques et sociales, telles qu'elles sont définies par la Constitution. L'auteur insiste notamment sur les possibilités de développer un "secteur public" dans le système d'enseignement supérieur, qui va opérer sur la base de la propriété publique, en tenant compte des priorités de développement de la République et en excluant toute idée de bénéfice commercial. Comme tous les autres établissements, ceux qui relèvent de ce secteur seront subordonnés au Conseil d'Etat pour l'Enseignement Supérieur, qui garantit l'autonomie de l'université dans ses rapports avec l'Etat.

Background

The intention of this article is not simply to describe how academic freedom and university autonomy have been incorporated into and elaborated in the recently adopted new constitutional order of the independent and democratic Republic of Macedonia. It also attempts to problematize the reality of the normative and systemic provisions in this area, as well as to outline some dilemmas and practical issues that are common to other countries and universities having transitional and transformative regimes.

The Republic of Macedonia is one of the six former Yugoslav republics. It declared its independence and sovereignty in November 1991 and promulgated a new Constitution. The Republic is still struggling to obtain international recognition which is expected soon, given that the

Badinter Experts' Commission has already recommended recognition to the Commission of the European Communities.

Meanwhile, profound changes and transformative processes are taking place in this country which are neither waiting for nor dependent on recognition. The economy is being rapidly privatized. Only a shortage of capital is preventing the process from going even more rapidly. The market economy is gaining strength, even if it is rather difficult to speak of any market at all given the conditions of devastating war which are characteristic of parts of former Yugoslavia. In fact, Macedonia is a peaceful and peace-making factor in the former federation as it seeks to avoid any conflicts with other nations and republics and is raising effective barriers to the rise of divisive nationalism in its own house.

The above circumstances have made it possible for the newly elected democratic authorities of the Republic to pay close attention to the dynamics and quality of political and social transformations, including the development of multiparty and parliamentary democracy, inter-ethnic equality, and the organization of science, education, knowledge, and public services at a truly European standard.

Constitutional provisions for education

Most of the changes are reflected in or guaranteed by constitutional provisions. In fact, the new Constitution of the Republic of Macedonia contains several articles dealing with education, science, and the university:

To begin with, the Constitution declares education to be a basic human right which is extensively worked out in the corpus of social, economic, and cultural rights:

> Everyone has a right to education. Education is accessible to everyone under equal conditions. Primary education is compulsory and free (Article 44).

Also, "Citizens have a right to establish private schools at all levels of education, with the exception of primary education, under conditions determined by law" (Article 45).

These conditions, which are now being specified, apply not only to citizens but even to foreign physical and legal entities. The state bodies only verify their operating conditions, the qualifications of their personnel, their curricula, and their diplomas.

Article 46 of the Constitution provides that "The Autonomy of the universities is guaranteed. The conditions of establishment, performance, and termination of the activities of a university are regulated by law". The above profile represents one of the rare cases in European experience in which a constitution makes specific mention of university autonomy.

Article 47 provides that

> the freedom of scholarly, artistic, and other forms of creative work are guaranteed. The rights deriving from scholarly, artistic, or other intellectual creative work are guaranteed. The Republic stimulates, assists, and protects the development of scholarship, the arts, and culture...

Autonomous institutions

The last sentence is crucial, for the position of the State is that it cannot completely finance, control, manage, or supervise education, including higher education.

As Macedonia, like the other eastern European countries, used to place all public services, including education, under state control, frequently with disastrous results, the new government is suspicious of and reluctant to continue to permit state bodies to retain their powers, regardless of the fact that a number of parties are active in the political arena.

As a consequence, the politically active segments of the population are striving to elaborate a conception of *public sector* activity in most service fields, particularly in that of higher education. As a model, it is very different from that of a state financed, directed, controlled, and supervised higher education and university system.

Such a model has four features: i) a legal founder or co-founder of the institution which can be the Republic or any other public legal entity; ii) operation on the basis of public ownership of the property; iii) execution of part of the state programme for the development of and priorities in higher education, and iv) activity that is basically non-profit-making and non-commercial.

At micro-level, the implications of this model are that the institution will have to secure funds to cover its basic programme, that, although its property rights are limited, they do not devolve on the rights of the State, and that the founder or his representatives will constitute up to one third of the governing boards of such institutions.

Development of a buffer organization

At macro-level, a special mechanism for financing and managing public sector education will be needed. The Draft Law for Universities and Higher Education provides for the establishment of a State Council for Higher Education, a relatively independent public body which will co-operate closely with the Ministry of Education. Its fifteen members, who will be appointed by the Parliament of the Republic, will have the following composition: six to be proposed by the universities; three, by the Academy of Sciences; three, by the Chamber of Commerce; and three, by the Ministry of Education. The rectors of the universities and the Minister of Education will be *ex officio* members of the Council. The competences of the Council will relate primarily to the long- and medium-term development planning of higher education, to the networking of the higher education institutions, and to the distribution of funds to individual schools and faculties.

Thus the above functions will be undertaken not directly by the State, the administration, or the Ministry of Education, but by an independent public body, in which universities will not only be represented but will have a considerable influence. The functions of the State or of the Ministry are to be restricted primarily to legislation, quality control and supervision, accreditation, the verification of diplomas, and the holding of founder's rights with regard to the public higher education institutions, including the universities.

The object of such a mechanism is not only to guarantee the internal autonomy of the universities, but also to enforce their position vis-à-vis the State and the administration.

The same draft law further develops the notion of university autonomy, regulating it as following:

"Universities and higher education institutions enjoy freedom and autonomy, in:

- the execution of education, science, artistic work, and creation;
- the preparation and adoption of educational, research, and science development plans, programmes, and curricula;
- personnel policy including election and appointment of the teaching and assisting staffs;
- decision-making as to the size, number, and qualification-levels of student enrollments;
- the internal organization of universities as well as the management and the use of the funds and the property available;
- international co-operation and publication activities.

The draft law also provides for the inviolability of the premises of the universities and the higher education institutions.

The universities and higher education institutions will have their specific statutes and by-laws by which they will regulate in greater detail the autonomy and freedoms accorded them by the draft law.

■ *Chapter 2:* Market Mechanisms in Higher Education

Between the Market and the Welfare State: How to Adjust Norwegian Higher Education to New Principles

Johan-Kristian TÖNDER and Per Olaf AAMODT

Les auteurs analysent l'évolution historiques de l'enseignement supérieur en Norvège dans le contexte de ce qu'on appelle l'état-providence (promu après la seconde guerre mondiale). Ils soulèvent le problème de la prédictabilité dans un environnement social gouverné par l'économie de marché. En ce sens, pour faire face aux incertitudes d'un système ouvert et, donc, à évolution imprévisible (les informations provenant de l'économie de marché ne permettent pas toujours de prévoir rationnellement le comportement des gens - en l'occurrence en ce qui concerne la demande d'enseignement), les universités doivent s'organiser de manière à offrir à leurs étudiants les meilleurs moyens d'adaptation; aussi, les programmes doivent-ils mettre l'accent sur les connaissances de base afin d'assurer aux diplômés une plus grande flexibilité sur le marché du travail. Bien que l'un de ses objectifs soit de dispenser l'enseignement au plus grand nombre possible, l'État-providence se doit d'accepter une élite académique qui lui sera utile dans les transactions avec d'autres pays sur le marché de la connaissance et de la recherche auquel une société ouverte doit accéder afin de développer son économie et son niveau de vie.

Introduction

To what degree does the higher education sector in Norway reflect societal transitions? To what extent should university autonomy be affected by these transitions? And how far should the market be permitted to determine solutions to the problems of higher education given the very important role of the latter in the transition process itself?

This article discusses some of the issues raised by these questions with reference to higher education in the context of the Norwegian welfare state since the Second World War.

The relationship between the welfare state and higher education

According to Sandmo (1991) and (1992), a welfare state has three principal aims:

- to protect citizens from some of the risks due to life in modern industrialized society - mainly in connection with unemployment and reduced ability to function because of sickness and age;
- to prevent unacceptable differences in standards of living between persons and families;
- to advance economic growth and development in such a way that all inhabitants may share in them, thus, increased consumption and a higher standard of living.

The problem for politicians and administrators in a welfare state is to obtain low risks and equality with regard to standards of living in an economy ruled by the criterion of efficiency. The goal for higher education is to make itself available for as many people as possible in order to adjust standards of living upward. Although a higher level of education in the population is supposed to have a positive influence on economic growth, adjustments and measures for raising the level of education will result in the need to redistribute resources. The total effects of these actions on the productivity of society are not fully predictable. Politicians and administrators are therefore seeking solutions whereby private incentives will contribute to the functioning of the market while the market will operate in frames so constructed that it produces the results desired by the welfare state regarding the redistribution of wealth, life chances, and economic growth. The resulting construction is called a *mixed economy*: The Norwegian higher education sector has been operating in this type of economy since the end of the Second World War.

Traditional Norwegian society had two main reasons for establishing and supporting higher education. It needed civil servants and professionals. Thus persons needed to be educated so as to be qualified for such positions as doctors, clergymen, teachers, lawyers, and judges. But this society also needed a degree of cultural and intellectual refinement: an élite educated in national and international culture, one imbued with the values of society in their hearts.[1] But this élite needed to receive a scientific education, to have that ability and curiosity which gives society and its leaders national and international reputations. It also needed to adopt new thoughts and ideas without making any efforts to alter society and its institutions. In such a way, society insured itself against revolt. A university with internal freedom, but operating within limits set by national leaders, was an appropriate answer both from the point of view of the leaders and of the university. Later on, polytechnic institutions were established to produce specialists for industry. Although the initiative to found these institutions was political, the funding came from business leaders. This step in the process in the evolution of higher education in Norway came relatively late, as of 1900 through the 1920's. Norway was late to industrialize compared with other European countries. The position of the farmers who dominated political life was that the State should cost as little as possible and that the number of civil servants and specialists and their influence should be correspondingly restricted. Therefore Norway only received its first agricultural college in 1897 and its first technical college in 1910.

But the aims and the dimensions of the traditional higher education sector were insufficient for the welfare state. To begin with, the numbers of persons with higher education qualifications were sufficient to bring about the economic growth which the government wanted. Secondly, one's chances of being able to enroll in higher education and, after graduation, to be admitted to the positions and income levels to which such an education normally leads, were not equally distributed among persons and families.

The institutions and initiatives established by the welfare state to give its citizens security and adjustment gave rise to a great demand for specialized and well-educated people to offer professional services that the old system could not afford.

These then were the motives for the expansion of the higher education sector in the Norwegian welfare state during the first twenty years following the Second World War. But the 1970's and 1980's gave rise to rapidly changing conditions of operation for the welfare state and instability and uncertainty for its citizens. In particular, the knowledge explosion required that the welfare state adjust itself to a new reality. The State needed researchers and experts who could face challenges, exploit possibilities, and elaborate ways for it to manage them (Hernes Commission, 1988). The challenges posed to the welfare state by the knowledge explosion and the ways in which the welfare state reacted are analogous to the way in which traditional society invested in higher education and research in order to preserve itself and its institutions.

At the start of the 1990's, the aims of the Norwegian welfare state with regard to higher education were still being conditioned by the mass unemployment which had become endemic. The higher education sector is being used as a place to deposit youth. As long as the costs for doing so are no greater than the provision of social benefits through the social security system, the feeling is that education will, in the long run, confer greater productivity.

The first years following the Second World War were more a time during which adjustments were made to the possibilities of entering the higher education sector than a time during which much investment was made in the sector (Skoie, 1991). Even though a second university opened its doors in 1948, the period in terms of public policy was typified more by the establishment of student aid and support institutions, including residence halls and restaurants, than by an expansion in the number of students. The government had almost no influence on the internal lives of the universities and colleges.

During the last years of the 1950's and especially during the 1960's, the sector expanded both because of the growing number of persons who wanted to enroll in higher education and because of the need for qualified persons to bring about a further expansion of the welfare state. As an answer to what was in fact a tendency to "massify higher education", the government began to change the structure of the higher education sector by including the former vocational schools for teachers, technicians, and nurses in a new non-higher education sub-sector to which increased resources were given so that they might expand their degree programmes and their enrollments. Two new universities were founded, one from the ground up (Tromsø), and one through the integration and upgrading of two polytechnic colleges (Trondheim). Although the universities and the polytechnical colleges received more money and students, they retained much of their previous autonomy and structure.

As of 1968, Norway began to develop regional colleges. These were considered to be a further development of the vocational colleges through their integration. These new institutions seemed to be justified by the need to continue developing the welfare state, to promote economic expansion, and to reduce social differentiation. As these new institutions had strong ties to their regions, local politicians and representatives hoped to develop them into new universities even though the government did not want a university in every county. But at the same time, Norway needed a flexible system of higher education in which the regional colleges would have their place. Given the aims of the government and the aspirations of the local authorities, the result could only be "academic drift" on the part of the regional colleges.

All these initiatives were based on the work, between 1957 and 1970, of different commissions, the most comprehensive of which was the Ottosen Commission (1966-1970).

By the end of the 1960's, the government had begun to take an interest in the internal lives of the universities. The necessity of realizing the aims of this sector at a reasonable cost led the government to ask questions about the ways universities organized their studies and used resources. Unfortunately, the first governmental proposals coming at the same time as the *student revolution* were seen as an attempt "to fit the universities into capitalism". The *professorial management* of the universities gave way not to *state management* but to *student management*.

The 1980's: a weaker welfare state? a weaker higher education sector?

The welfare state did not penalize either the universities or the students for opposing their aims. But in the 1970's, the universities did not expand except in the case of the new university in Tromsø. Instead, most of the expansion was registered in the regional and vocational colleges (Aamodt, 1990), clearly an appropriate answer to the demands which had been made by youth (Aamodt, 1990; Aamodt and Olsen, 1991).

The student economy during the 1970's was relatively good. Graduates found well-paying employment in the institutions and the bureaucracy of the growing welfare state. The next student generation, that of the 1980's, found itself in a weaker position. A lower inflation rate reduced their loans automatically, but left them with higher real interest rates. At graduation, they were faced with difficulties on the labour market.

At the start of the period, they entered employment instead of studying, or they chose a shorter vocational education programme in order to earn money as soon as possible. Many students worked while studying or studied while working. More recently, students have overflowed into higher education institutions because of lack of employment opportunities and no certainty of entering employment after finishing their studies. Their financial situations are unfavourable both in the short and the long run.

Why has the welfare state not intervened in this situation? The answer may be that the government has lost some of its financial possibilities and its legitimacy to do so.

The expansion of welfare institutions and of the systems of wealth redistribution have brought welfare states to high standards of living. The politics involved were possible and acceptable because of the economic growth which was occurring in parallel. Now, under conditions of recession, the situation is different.

Decentralization of decision-making and self-regulation seemed to be proper solutions (Lundgren, 1990; Weiler, 1990; van Vught, 1988) to these problems. The possibilities for private initiative within the framework of the welfare state seemed to be overly narrow. More decisions needed to be decentralized, and steps needed to be taken to reduce the tendency in favour of complex and costly bureaucratization as well as the overprofessionalization to which public regulation gave rise. The solutions recommended called for more local and less institutionalized regulation of services. In the health and social welfare sectors, interest grew in home-based services and in an informal home-help apparatus. One could argue that the parallel in higher education has been the investment in small and local units outside the university sector.

The absence of increases in private income heightened public concern with regard to taxation and the utility of public activities. On one hand, the expansion of these activities gave rise to the belief that the welfare state would be able to solve all problems. On the other hand, however, people were becoming unwilling to pay for further expansion.

The results of this dichotomy appear in many aspects of Norwegian society. The use of market rhetoric in government language is one example. Words such as *utility, relevance, incentives, the new state, the service-minded state* appear with increasing frequency. Then, too, more and more people believe that the welfare state is governed more by its professionals than by its politicians, a view which harks back to the resistance of farmers to the power of civil servants and other specialists in society.

Higher education has also been touched. Because of the perceived lack of flexibility of the state education system, private colleges, financed by tuition fees, have been founded which offer courses in business economics, marketing, and data processing. Some of these schools, however, are expected to close because of declining demand due to high tuition fees and poor job opportunities for their graduates.

In the case of the state system of higher education, an effort has been made both to decentralize it and to plan and steer it more than in the past according to market mechanisms. Nevertheless, these concessions must not be allowed to overshadow the fact that higher education continues to be a clear public concern and that it is publicly financed. In the cases of both the higher education and the health care sectors, privatization now seems to be declining.

Market mechanisms in higher education

One can imagine two different principles for the regulation of capacity in higher education. To state that capacity is steered by the needs of society means that assumptions about the future demands of the labour market will steer educational choice or that educational choice will be steered by the interests of those seeking higher education. At an extreme, the latter explanation would mean that there are no admission regulations. Higher education institutions will accept all of those who apply, who meet the lowest qualifications for admission. Steering according to the demands of the labour market, on the other hand, means that capacity is totally regulated and fixed. Most national systems have a mix of both approaches. For example, although French universities do not have numerus clausus, the *grandes écoles* are strictly regulated in this respect. The Norwegian system has also traditionally offered a mixture of open and restricted course programmes.

Many paradoxes and contradictions exist with regard to admissions procedures and the number of students admitted to different areas of study in higher education. An open system implies by its very openness that education is a general good from which as many people as possible should be able to benefit.

Higher education can also be completely steered by the market. In such a case there are no absolute limits to capacity, but on the other hand, the student himself is completely responsible for finding employment corresponding to his qualifications. The differences between these two perspectives are, of course, linked to how education is funded. If an open system is to be viewed as market governed, then the student himself must cover most of the costs. In Norway, higher education is generally free of charge to students, but they must cover most of their costs of living while studying by taking out student loans. They do not pay interest so long as they are studying. Norwegian higher education policy is generally governed by the ideal that higher education is a social right. In practice, the regulations which are based on this idea are not functioning satisfactorily.

The principle according to which the size of the higher education system in Norway has been determined is to assume that higher education should be available to all who seek it. A second assumption, however, is that the distribution of types of course programmes should be determined by the needs of society and of the labour market. In practice, limits and capacities are set in terms of resources and capacities. In any case, the system offers both open and closed course programmes, a distinction which has not always been easy to reconcile.

Traditions have played an important role. The current strong demand for higher education means, in practice, that almost all study places are restricted. Public policy, however, during recent years, has been to increase student enrollments to meet the demands of as many applicants as possible. As this policy has been pursued during a period with record high unemployment, the educational system is consciously being used as a buffer. The view is that the policy is justified because it represents an investment in higher education, therefore in increased expertise, with regard to future economic development.

Another paradox can be identified with regard to the way in which demand for graduate manpower is used as a mechanism for steering. Despite the steering capacity of the labour market, actual governance is not the purview of the labour market but that of a central regulatory body.

During the 1950's and 1960's, great faith was placed in the use of forecasts as a steering instrument. In fact, it represented the continuation of a certain philosophy of central planning. When one cannot plan the demand for graduate manpower, one attempts to compensate for this inability by attempting to generate knowledge about how developments are likely to occur. The belief in being able to steer according to forecasts of this nature has not received credence for a good deal of time, even with regard to sectors under public responsibility; take, for instance, the demand for staff in the health and education sectors. In a commentary on their previous work on the need for nurses, two authors (Hofoss and Buxrud, 1987) expressed themselves as follows: "How could we have been so wrong when we calculated so correctly?"

Even when central planning is not used to steer capacity according to the demands of the labour market, one cannot say that the labour market has no influence. On the contrary, many indications suggest that applicants to higher education are very aware of signals from the labour market. The problem, however, is that one seems to be trying to steer the developments of tomorrow after an applicant has made more or less correct assumptions about the labour market of yesterday. One can easily overreact. One may have to give up the dream that it is possible to have continuous harmony between educational capacities and the demands of the labour market. Misadjustments will always occur, the goal must be that they will not be of a long-term nature.

What determines demand for higher education is a set of complicated and unpredictable factors. The labour market is of great importance both with regard to employment possibilities linked to particular types of training and to possible alternatives for similar types of education. Economic factors are also very important, concerning as they do both the costs of acquiring an education and the expected economic gains from it. Even though the public higher education institutions in Norway do not charge tuition fees, there has been increasing debate about whether or not it is worthwhile to acquire higher education, given the increasingly high interest charged for student loans, and the modest salary differences between jobs requiring higher education qualifications and those not doing so. However, these doubts have not hindered young Norwegians from seeking higher education to a much greater extent than in previous years, a situation which indicates that market mechanisms cannot give satisfactory explanations for the behaviour of young people.

Conclusions

The challenge for politicians and administrators is to plan and to govern an open and unpredictable society. It may be difficult to live with a system which is not fully determined and set down. One needs to accept the dynamics in the system made by its actors in transactions with one another. Even in a sector governed by the state as is the case of higher education, predictions seem to be rather difficult. The integration of labour markets and higher education systems in many countries seems to make it much more difficult to talk about a national higher education policy or a higher education policy for the welfare state.

The specific Norwegian experience would indicate that it is difficult to base capacity on predictions derived from labour market information. It is better to have a stable system with some surplus capacity.

Higher education is a life project. Universities must construct flexible systems with the possibility of selecting combinations and steps in the system fitted to individual situations. Course programmes should reflect this situation by laying more stress on basic knowledge than on specific vocational knowledge. Such an approach may give flexibility to persons in the labour market.

A surplus of graduates with certain qualifications may be a problem for given individuals, but it is possible for society to create new combinations of education and work (substitution and deprofessionalization). Under the pressure of overcapacity in one occupation, people will move on to others.

One of the aims of the welfare state is to redistribute opportunities and wealth by offering education to as many persons as possible rather than creating an élite. Traditional society considered that an élite was necessary in order to have *think tankers* and *PR makers* for the country. Perhaps the welfare state has to begin to understand that an academic élite is necessary to serve as international *PR makers* and as the purveyors of valuable knowledge which is useful for transactions with other countries in a market for knowledge and research which any open society must enter if it is to develop its economy and standard of living.

Notes

1. The Danish-Norwegian King Frederick VI, who resided in Copenhagen, tried, therefore, as long as possible, to prevent the establishment of a university in Norway fearing that doing so would lead to the separation of the two countries (Mykland, 1978). The first Norwegian university was established in 1811. The fact of a Norwegian university educating civil servants gave credence to the fact that Norwegian civil servants did exist even if Norway was in union with Sweden from 1814 to 1905 (Sejersted, 1978).

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Polish Higher Education in the Period of Transition: Hopes and Fears

Krzysztof OPOLSKI

A partir de l'expérience par laquelle est passé l'enseignement supérieur après la guerre et qui, malgré les ingérences extérieures de nature politique et économique, a établi et consolidé ses directions majeures de développement, l'auteur évalue les changements survenus après 1980, lorsque la situation des universités s'est dramatiquement détériorée à cause de la crise socio-économique. Si, avant 1989, le ministère de spécialité exerçait un contrôle sévère sur les universités, la Loi sur l'Enseignement Supérieur de 1990 a transféré une partie considérable de ses prérogatives vers les établissements. Cette autonomie aura des conséquences - élections libres, libertés de choisir les curricula, mais aussi l'obligation de trouver des fonds pour la recherche scientifique. Sous l'impact de l'économie de marché, l'enseignement supérieur subit à présent des transformations spectaculaires, aussi bien positives - possibilité de privatisation et d'amélioration du financement, adoption des modèles occidentaux - que négatives - déclin probable du nombre d'étudiants, rémunération insuffisante du personnel, vieillissement des enseignants, méfiance de la société envers les élites intellectuelles. Malgré les circonstances extérieures, l'enseignement supérieur polonais évolue dans un climat intellectuel favorable vers des changements indispensables à son développement.

The experience of the past

The model upon which Polish higher education was based after the Second World War was determined by a number of political and economic factors. Certain major decisions, which collectively had a major impact on the present structure of higher education, may be listed as follows:

Post-war development of material production: Preferences were given to technical education in the establishment of faculties directly serving the development of the material production sector.

General shortage of qualified workers: The result was a rapid expansion of the numbers of required educational tasks in order to meet the acute shortage of educated people in the national economy and culture.

The duration of course programmes in many faculties was shortened, and a doctrine of socialist education evolved. The latter was based on the notion of educating narrow specialists prepared summarily for the roles assigned to them as part of the social division of labour.

Increased opportunities for adults who had been deprived of access to education and for young people from working class and peasant backgrounds: Such offerings were possible only under the conditions of a universally operating systém of adult education backed by State guarantees of admission preferences and material assistance to enrollees.

Planned selection of students for admission to higher education and distribution of graduates to employers: The selection process was geared as much towards the abilities as the social backgrounds of candidates. The system was expected to secure an inflow of graduates to an employer according to certain arrangements between them in the form of employers' scholarships, preliminary employment contracts, and the like.

Changes in the structure and quality of education: Such changes as they occurred paralleled the gradual saturation of the national economy and culture with qualified people. In periods of relative saturation, efforts were made to improve the quality of education (for instance, by lengthening the period of schooling) and by forming graduates to have extensive professional knowledge.

Also, the changing economic model, that is, the transition from the methods of centralized management to extensive decentralization required a different approach to the education of economists, state administrators, etc. A considerable impact was exerted on the development of education by changes in state strategies of socio-economic and political development. As examples, the public health service came to require the preparation of a large number of medical personnel; the expansion of the food sector required specialists in food production and processing, while the expansion of public schooling depended on adequately trained teachers.

These directions and principles of functioning of the Polish higher education system, which were in effect during the entire post-Second World War period, contributed to the consolidation of its basic directions, developmental trends, and structures. Over the years, however, these general development trends have stabilized.

The crisis of the 1980's and its consequences

Like the entire Polish economy, the funding of higher education deteriorated dramatically. Severe austerity measures had been adopted, the effects of which were further enhanced by a number of concomitant circumstances as listed below:

Scarcity of jobs: The inability of graduates to find suitable employment has given rise to suggestions as to the limitation of the types of available course offerings in higher education institutions.

Contraction in the number of potential students in the normal age cohort for admission and the deteriorating standard of living of the intelligentsia: Both trends resulted in a reduction in the demand for admission to higher education.

Resignation of many university staff members and researchers because of inadequate salaries: This problem is linked to the lack of new staff recruitment in higher education institutions, the ageing of the remaining staff, and its structural deformation (absence of successors).

Limited funding for research: This problem, plus the lack of interest on the part of economic entities in co-operating with higher education institutions, constituted major factors in the decline in the development of research in higher education institutions.

Poor state of research and teaching equipment: These materials have deteriorated significantly causing Polish higher education to decline further as measured against international standards.

Polish higher education has been severely set back as the result, in particular, of the state budget deficit but in general because of the economic disequilibrium of the country. The service sector, which because it is almost totally funded from the state budget is undergoing decline, has always been the major employer of the intelligentsia. The low salaries offered to the few persons who can find employment in this sector force them to take on complementary jobs. Many employees flee the service sector to employment in other sectors. The whole situation is reducing motivation for enrollment in higher education.

In addition, ineffective teaching methods are still the rule, particularly in the secondary schools. Preference is still being given to requiring students to memorize information rather than to analyse it and to learn how to use it for the solution of real problems.

New legislation

Prior to 1989, Polish education was planned and administrated centrally. It was controlled and directed by local party and government institutions. Education at all levels is still regulated by laws and ordinances proposed by the responsible ministries and enacted by the Sejm (parliament).

Higher education used to be the responsibility of the Ministry of Science, Higher Education, and Technology. It selected university rectors and senior administrators, established recruitment policies and enrollment quotas, coordinated research, and developed graduate training for research and technical staff.

A resolution adopted at the 10th Congress of the Central Committee of the Polish Workers' Party in January 1986 reorganized all levels of education under the Ministry of National Education, each level to be co-ordinated by a different department of the Ministry. Before the change of regime in 1989, educational objectives were based on the ideals of socialism. All educational activities were determined by the government. The primary goal of university education was to meet the planned needs of society.

The presence of government control could be seen in virtually all aspects of the centralized education system. The Ministry of National Education established strict recruitment policies both for teachers and for student enrollment as based on central planning. Before 1989, the Ministry specified the number of students to be enrolled in each department so as to match the estimated number of job openings for graduates and the teaching facilities available. The Ministry also played an active role in the determination of curricula for each course. Each person employed in a senior academic or administrative position was selected by the Ministry. The establishment of any post-secondary institution as well as any major changes relating to these institutions required government approval. All institutions were supervised through the Council of Science and Higher Education, an elective body which represented all institutions of higher learning in Poland. Operating under the aegis of the Ministry of National Education, the Council was responsible for the planning of enrollments, curricula, and development in general in higher education. The Council was also involved in the preparation of government higher education policies.

In September 1990, the government adopted a new Law on Higher Education. It transferred a great deal of administrative control from itself to the educational institutions while directing the Ministry to continue setting the guidelines and general policies of the education system. According to this new Law, the individual institutions will deal with such matters as recruitment and enrollment, the budget, curriculum, and employment.

The autonomy which is being granted to the individual higher education institutions will have the following effects. University senates will elect rectors and deputy rectors who will take office without the need for ministerial approval. The universities will be free to prepare new programmes and to implement the curricula they themselves choose. They will also have the authority to eliminate programmes which they no longer wish to offer. As mentioned above, individual institutions will have control over their own budgets. However, the institutions will be required to raise their own research funds which until 1990 had been provided by the State. The Law has also stripped the Ministry of control over the conferring of degrees.

According to specific provisions of the new Law on Higher Education, full autonomy, relating to the implementation of charters as elaborated by the Senate, will be granted to large universities having at least 60 full-time professors (20 professors in the case of art colleges), and in which at least half of the number of basic units (departments or institutes) have the authority to confer post-doctoral degrees. The charters of smaller universities will have to be approved by the appropriate ministries.

For the first time ever, provisions concerning university property and financing have been included in a Polish law on higher education. Among other things, the new Law states that universities may be owners of property and may assume control over state-owned property in free perpetual usufruct. The latter provision is part of a larger effort throughout Poland to dispose of state-owned enterprises. The same chapter of the Law authorizes universities to charge fees for the provision of various services: health programmes, arts and sports activities, and experimentation. Universities may also charge licensing fees. Similarly, universities may charge tuition fees for extra-mural and extension teaching.

Certain operations of the state universities in Poland will continue to be partially subsidized by the State, particularly in the following areas: teaching, teacher training and related research, school maintenance, and construction investments.

The new Polish law has retained the institution of the General Council of Higher Education, made up of representatives of different types of institutions, yet it has not introduced a Rectors' Conference or Committee.

The new Law on Higher Education devotes a great deal of space to university employees, to university course programmes, and to students. But in this respect, its provisions are not much different from similar provisions in the previous Law. Likewise, the Law on Academic Degrees, which was passed along with the Law on Higher Education, has not altered the existing system of two academic degrees (the doctorate and the senior doctorate) and one scholarly title, that of professor. The latter is normally awarded only to holders of the senior doctorate (habilitation) who have distinguished academic records.

Changes and fears

Like Polish society in general and the national economy, Polish higher education is currently undergoing considerable transformation. The rapidly expanding market economy and its neo-liberal colouring are exerting a tangible impact on Polish higher education, causing it to assume the following characteristics:

Some Privatisation: Apart from the Lublin Catholic University which has always been privately operated, two institutions have recently been founded in the areas of business management, finance, and insurance.

Both are sponsored by western capital. Other such institutions are expected to be established.

Limited introduction of tuition fees: Institutional budgets are being increased by the introduction of tuition fees for adult studies (the charges for this type of course are slightly lower than the average monthly wage), for make-up examinations, and for postgraduate courses. Higher education institutions are also organizing fee-paying short courses (up to three months) aimed at upgrading or updating the qualifications of people employed in various sectors of the economy.

Attempts to economize are also being made by cutting back student social assistance programmes (eliminating some of them entirely). Efforts are being made to operate student residence halls on a commercial basis and to end the indexing of scholarships.

The privatisation of higher education is unfortunately not being matched by the creation of opportunities for the individualized financing of study under a system of low-interest (or zero-interest) loans, tax deductions, or a system of deferred payments. For these reasons, and taking into account the substantial lowering of the standard of living, the number of university students is expected to decline substantially, followed by the growing exclusivity of higher education.

A characteristic feature of Polish higher education in the last two years has been changes in the structure of enrollments. As if driven by the cost effectiveness principle, young people have been giving preference to those course programmes and disciplines which enhance their chances of finding well-paid and challenging employment, offering opportunities for promotion (also or perhaps primarily overseas). A particularly large expansion in the numbers of first-year students can be observed in economics departments (which up until now had been somewhat neglected), especially those offering courses in finance, banking, and marketing. This is not to say, however, that students have lost any of the enormous interest which they had in psychology, the history of art, the other humanities, and English philology.

As regards teaching programmes and the organization of courses, there has been a rapid orientation towards the adoption of western models. Professional courses (so-called short cycle courses) are being introduced as is the student evaluation and grading of teachers and courses.

The implementation of these changes, some of which are indispensable, is continuing to encounter a number of barriers, the most serious of which are the following:

Economic barriers: Very low faculty salaries causing an outflow of many young and talented professors and leading to so-called negative selection. The funds to be used for financing international contacts and libraries as well as teaching and research facilities are very limited. The supporting personnel: secretaries, lab assistants, research assistants, technicians, etc., are frequently badly prepared and badly paid.

The unpredictability of western expertise and assistance: Many teaching programmes are being transformed according to the advice and suggestions of western experts. In a similar manner, literature is selected, and textbooks are translated; however, their level may leave much to be desired. Some experts seem to think that Polish scholarship, science, and education got underway only in 1991 (or, possibly, in 1990). This attitude gives rise to ridiculous teaching situations, especially when a Polish professor knows his field as well as (and frequently better than) his western counterpart. Of course, in fields of science or scholarly endeavour, humility, on the part of Polish academics vis-à-vis foreign experts, might be advisable, e.g. banking, computer science, robotics, and certain areas of the medical sciences. But humility is not tantamount to ignorance.

Staffing problems: The professorial staff is ageing (and is therefore less motivated to undergo intellectual transformation), and the pace of promotions is slow. As a rule, most of the adjunct or assistant lecturers have additional jobs, frequently outside the domain of higher education, which results in their having little free time for upgrading. The fact that this double load exhausts them undoubtedly affects the quality of their teaching.

Social barrier: A growing prejudice is being manifested against intellectual élites, who are unable to lead Poland out of the crisis which it is currently undergoing, which is resulting in social pressures for the reduction of budgetary subsidies for higher education.

Indeed, Polish higher education is facing many other difficulties, including the lack of coordination of organizational, structural, and programme changes; the absence of any elaborated methods for the evaluation of teaching effectiveness; and the lack of rational mechanisms for the circulation of academic élites.

Conclusion

One thing, however, is certain. Polish higher education is transforming itself, despite unfavourable circumstances. It is creating a propitious intellectual climate for indispensable change and is, in many cases, changing more rapidly than could have been expected given the traditionalism of the academic community.

Market Forces and Faculty Autonomy in the Contemporary American University

William B. GRIFFITH

La situation actuelle a comme prémises les grands bouleversements qui se sont produits dans les universités américaines dans les années '60, suite aux manifestations de mécontentement aux rangs de la population universitaire. On en est arrivé à une sorte de "souveraineté du client" en raison d'une nouvelle distribution des fonds alloués par les programmes gouvernementaux, dont les étudiants pouvaient désormais disposer directement et non pas par l'intermédiare des établissements en question. Une fois devenus "consommateurs de services instructionnels", les étudiants ont décidé qu'ils avaient leur mot à dire quant au contenu de l'enseignement, qui devenait négociable. Cette tendance n'a fait que s'accentuer dernièrement en raison des changements intervenus dans la structure de la population scolaire: le "baby boom" n'étant plus qu'un souvenir. Les universités se livrent une concurrence acerbe pour attirer les étudiants les plus fortunés et les facultés se plient à certaines exigences en modifiant et adaptant leurs cursus en fonction des clients potentiels, ce qui n'est pas sans conséquences pour l'autonomie universitaire. Vu que les forces du marché tendent à s'imposer dans les Etats de l'Europe Centrale et de l'Est, les universitaires doivent savoir quels sont les risques à courir.

The aim of this article is to present a brief overview of a type of challenge to academic freedom and autonomy which is currently a significant feature of the situation of universities and colleges in the United States. Although the author does not consider himself to be very well informed about the situation of European universities, his surmise is that the problems which he is evoking have not yet become of great importance for eastern European universities. However, with the reported rapid evolution towards a more market-guided society in this subregion, perhaps this discussion will identify some challenges which may soon be on the horizon here and elsewhere.

The situation in the United States to which reference is made has been developing strongly for the last decade or so, but its roots go back at least to the 1960's, a period of significant social upheaval in the United States, as in Europe. A notable feature was the focus of much of the expressed discontent in college and university student populations.

The universities came in for a torrent of angry criticism, and in response, general curriculum requirements and rules governing student life were frequently markedly liberalized as students asserted (with considerable societal backing) a sort of consumer sovereignty. In part, change was brought about through the structuring of growing government programmes for the delivery of financial assistance to students, many of which gave them the choice of where to use the aid, rather than placing allocational authority in the hands of the institutions to which students might apply.

One result of this upheaval was that the student population, with the support of their parents, drove home the point that the kind of education to be furnished was no longer (if it ever had been) the responsibility of the faculty alone. From this point on, the range of offerings and the kinds of requirements imposed were to be subject to negotiation between the universities, as suppliers, and students and potential students as consumers of instructional services.

In the last decade, this tendency became heightened, due at least in part to the ascendancy of a national political administration which was notably reverential towards market solutions to social problems. But in large part it had to do with demographic changes in the cohort of eighteen-year olds emerging from secondary schools, the source of the greatest component of students enrolling in colleges and universities. Due to the waning of the "baby boom", this population fell off sharply, more in some areas than others. To some extent also the composition of this cohort also changed, to include a larger proportion of representatives of newly immigrated populations, often less well-prepared academically.

The principal result of these changes is a heightened competition for students, especially for the top twenty per cent or so of the graduating secondary school classes who are the most in demand. In the United States, many of the finest universities and colleges are private institutions which are largely dependent upon tuition charges to meet their operating expenses. This situation implies that students who wish to attend one of these institutions, unless absolutely outstanding academically so as to be awarded merit scholarships, must have sufficient family resources either to pay tuition costs, or at least to be eligible to borrow sufficient funds. In addition, many of our government-supported universities and colleges, which generally charge much lower tuition fees, are granted public funding to some extent on a "per student" basis. In any case, students or their families must still have some accumulation of resources to enable them to sustain their own living costs while deferring earnings. The end result is an increasingly fierce competition to "market" each university's offerings to a limited population of potential clients, who are very wary and intent on assuring the largest return on the large investment to be made. By return, students and their parents generally mean high probability of access to the best post graduation employment opportunities, and/or to the best graduate or professional schools (law, medicine, business, etc.) and the career possibilities to which they lead.

The central issue of this paper is how the existence of this kind of competition for students serves to revive certain fears of intrusion into academic freedom and faculty autonomy, problems which many thought had been definitively solved. After all, the view generally held is that there is now relatively little effective effort, by either public authorities or private organizations, of the kind so familiar in earlier eras in the United States, to limit the ability of universities to deal with certain kinds of sensitive subjects or to force the dismissal of individual staff members who are seen as subversive of the dominant ideology. Few university presidents who wished to retain their positions would be likely today to give in to such external pressures, at least in any open way.

But the pressures of market forces have the capacity to bring about acceptance of kinds of actions which otherwise might not be tolerated - a situation familiar to the world of business, in which market shifts and subsequent business failures can produce severe consequences for both individuals and communities, which the state can only partly mitigate.

In the United States, the pressures of competition for students tend to have several diverse kinds of impacts. On the one hand, because students are very career oriented, they tend to look for universities that have kinds of programmes which lead to job opportunities of the sort that seem most promising to them. Hence, there is great pressure on universities to strengthen those offerings, or to develop new ones, which appear to appeal to future clients. On the other hand, there is great resistance among the public to the increasing costliness of both private and public higher education, and increasingly vocal insistence that costs of attending a university not continue to rise at the rate they have been, well in excess of the general cost-of-living index.

The end result of these cross-pressures is that universities which wish to alter their educational offerings to appeal to potential students, cannot do so by simply expanding what they offer, with attendant cost increases. Rather, they must try to **reallocate** funds from areas that are perceived as declining in student popularity, sometimes dropping whole programmes or closing schools which may still have significant enrollments but simply are not sufficiently productive (i.e. do not have a favorable enough ratio of tuition earnings and/or outside research funding to costs). In the last two years, newspapers in the United States have been filled with accounts of how even the wealthiest of American universities, such as Yale, Columbia, and Washington University in St. Louis, are doing just that. In general, it appears that these universities are simply at the forefront of what is likely to happen quite generally in the next decade, even if economic recovery alleviates some of the severest pressures on both the private and public sectors.

What must be understood is that such programme shifts have two dominant characteristics. First, it is very difficult to predict very reliably whether or not some area of study which at present appears to be in demand, or another which appears to be declining in popularity, will be likely to continue to have that status over some significant period of time. Since both student demand and research funding are involved, there are two variables, each of which is fluctuating somewhat independently. Secondly, it is nearly always highly debatable as to whether or not a particular reallocation suggested is or is not more reasonable than some alternative which might be proposed. As a result, most such cases of "reprogramming" of funds have rather large margins of discretionary judgment, which is what may give rise to real problems, if university administrations and boards of trustees arrogate decisions in such matters to themselves when consensus cannot be reached.

In general, a university administration, which wishes to get rid of a particular programme of study, perhaps because it is too socially critical and produces adverse publicity among legislators and/or potential contributors to the institution as a whole, will have an opportunity to do so on presumptively neutral economic grounds. Similarly, because there is also increasing pressure on universities to assure that faculty members do not spend "excessive" amounts of time on their research, to the detriment of the instruction of their students, universities will be able to find justification for pressuring one group of faculty members rather than another to spend more time in the classroom or in student-contact hours, because it finds the research of one group more troubling, or less able to attract public funding because it is politically sensitive, than other groups.

Thus, if these speculations are correct, the withdrawal of support from individual and groups of faculty members for impermissible reasons, which could not be done directly in recent years, may turn out to be feasible under cover of market pressure. At least, that may be possible unless faculty members, as a professional group, react carefully and conscientiously in responding to this situation.

How might faculty members protect themselves from such forces? In my judgment, they will be able to do so only, in the last analysis, by meeting the challenges head on. That is, first, they must be prepared to do the hard work of reviewing programmes for elimination or reduction, not merely in terms of popularity with students or funding agencies, but in terms of the real intellectual and academic merit and integrity of a given discipline or interdisciplinary field - a much more difficult task but one which the staff alone can be expected to take on. Secondly, staff members must improve their processes of peer evaluation of colleagues, so that a firm and defensible record is on hand on which to base crucial decisions about individuals and groups of staff who may find themselves targeted for elimination or shifting to areas in which they are less expert.

Both of these tasks are formidable, and staff who feel pressured to devote time to their own research and teaching will no doubt be somewhat reluctant to take them on. But unless they do so, old threats to academic freedom and autonomy may suddenly gain formidable proportions under new guises and could do considerable harm before a tardy defense could be erected.

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Information, Formation, Communication. Responsabilités Socio-Culturelles de l'Université René Descartes

Georges CREMER et Sylvain POENARU

The René Descartes University is a cosmopolitan and pluridisciplinary institution offering 250 different diplomas, most of them in medical-biological areas. It aims at enhancing its socio-cultural role and the efficiency of permanent medical-biological training at national and international levels. It works on three planes: information, formation, and communication according to carefully planned strategies for initial and extended training. The university recently embarked on a joint project with Carol Davila University of Bucharest. Materials, computerized equipment, ideas for continuing education modules, and French specialists were provided. Conferences, joint research projects, and publications were organized, and a Spring University was held.

Présentation de l'université René Descartes

L'Université René Descartes compte aujourd'hui treize Unités de formation et de recherches (U.F.R.), deux Instituts et un Département universitaire, classés selon trois groupes de disciplines: a) Sciences et technologies, b) Sciences humaines et c) Médecine, pharmacie et odontologie.

Appartiennent également à l'université, 57 laboratoires ou centres de recherches et un riche Musée d'histoire de la médecine.

Notre Université est aujourd'hui cosmopolite - comme nos ancêtres, les humanistes de la Sorbonne médiévale - pluridisciplinaire, à l'égal des anciennes écoles des rues de Fouarre et de la Bûcherie, toujours en recherche tels nos illustres prédécesseurs du Collège de Saint Côme.

Pour la pluridisciplinarité de sa pensée, le choix du patron de notre Université s'est porté sur le philosophe René Descartes. Egalement à la pluridisciplinarité fait allusion le sceau de l'Université inspiré du pilier de l'Eglise du Couvent des Jacobins de Toulouse: les branches de la science qui s'épanouissent à partir de l'arbre de la connaissance, symbolisent toutes les disciplines unies entre elles.

Deux cent cinquante diplômes sanctionnent les résultats des enseignements dispensés par notre université:

- 18 diplômes d'Etudes Universitaires Générales (DEUG);
- 42 diplômes d'Etudes Spécialisées (DES) et d'Etudes Supérieures Spécialisées (DESS);
- 8 diplômes d'Etudes Spécialisées Complémentaires (DESC);
- 11 licences;
- 22 maîtrises;
- 2 magistères;
- 11 capacités;
- 72 diplômes d'Université;
- 17 diplômes interuniversitaires;
- 47 diplômes d'Etudes Approfondies (DEA).

Vingt de ces diplômes concernent les sciences et la technologie; soixante-dix, les disciplines humaines et cent-soixante, les disciplines médicales et pharmaceutiques.

Plus de 32.000 étudiants sont en formation initiale (dont la majorité font la médecine, l'odontologie et la pharmacie) et plus de 3.000 en formation continue (dont 2.000 environ en disciplines médico-biologiques). L'organigramme de l'Université consigne 1.730 enseignants-chercheurs, 470 chercheurs statutaires et 1.200 personnels administratifs, ingénieurs, techniques, ouvriers et agents de service.

Bien que pluridisciplinaire, la spécificité de notre Université est celle de la prédominance d'une configuration médico-biologique.

Pour cette raison, dès l'origine l'Université René Descartes s'est vu confier l'héritage de l'ancienne Faculté de médecine de Paris, dont les locaux abritent le siège de notre Université.

Objectifs stratégiques

Conscients de notre potentiel pluridisciplinaire d'une part, et d'un profil prédominant médico-biologique d'autre part, nous nous sommes fixés depuis trois ans deux objectifs stratégiques majeurs:

- Amplifier globalement le rôle socio-culturel de l'Université René Descartes;
- Amplifier l'efficacité de la formation permanente médico-biologique au plan loco-régional, national et international.

Conception philosophique

Afin d'atteindre ces objectifs et de mieux coordonner leur conquête, nous avons établi une base philosophique, celle de l'enchaînement et de l'imbrication de trois concepts: **information, formation, communication.** Si l'information est définie par *objet de connaissance transmis et réceptionné,* la formation par *apprentissage des connaissances avec l'apparition de quelque chose qui n'existait pas auparavant* et la communication par *échange, diffusion et transmission des connaissances,* les connaissances sont ainsi le dénominateur commun des trois concepts et également le fondement de notre créativité universitaire partagé lors de ce qu'on appelle *la formation permanente* entre la jeunesse dynamique et optimiste en *formation initiale* et la maturité réaliste, pleine de sagesse en *perfectionnement continu.*

On sait également que l'information, la formation et la communication font partie intégrante de la *culture* et que la culture édifiée par l'Université est à la fois académique et sociale de masse.

Tendances et impératifs dans la formation permanente médico-biologique

Axés sur une telle conception philosophique, nous avons analysé les tendances actuelles conditionnant l'enseignement et la recherche médico-biologique et les impératifs de la formation permanente médico-biologique.

Nous avons constaté qu'il existe deux types de tendances:

1. **liées aux évolutions générales de la société contemporaine:**

- Evolution démographique: à la fin du siècle, il y aura:
  - 5 milliards et demi d'habitants, dont 1 milliard au nord, et 4 milliards et demi au sud.
  - 600 millions d'individus seront affamés en permanence; la violence, le terrorisme et les grandes révoltes urbaines ainsi que le vieillissement des populations (surtout dans le nord) s'amplifieront progressivement.
- Evolutions économiques: Celles-ci concernent le commencement de l'époque post-industrielle caractérisée par:
  - le fait que la science est devenue à la fois outil de production, force de production et chargée de pouvoir (décideur);
  - la disparition du *Taylorisme* (caractérisé par la distinction entre les fonctions de conception et les tâches d'exécution; centralisation et hiérarchisation des décisions);
  - la disparition de la rétroaction (feed-back) positive dans les relations de production (le travail);
  - la diminution de la demande en main d'oeuvre;

  - la nécessité de plusieurs recyclages des productifs et aussi la déception évidente du pragmatisme économique.
- Evolutions politico-culturelles: En cette fin du 20ème siècle, on constate: la mort des idéologies, la politisation des religions, les échecs des institutions culturelles et les crises des philosophies. En ce qui concerne ces dernières, elles se rapportent d'abord aux crises philosophiques endogènes des sciences où on distingue d'une part le manque de la pensée philosophique et d'autre part, l'inflation sociologique de la pensée scientifique et la *cléricalisation* (la professionnalisation exagérée) de la recherche scientifique.

  La crise proprement dite de la philosophie contemporaine est principalement rapportée au monopole de la pensée philosophique, celui des théories des systèmes où le réductionnisme, le globalisme, la causalité et la phénoménologie de l'ordre temporel règnent sans partage.

2. **liées à la bio-médicalisation excessive de la société au début du 3ème millénaire:**

- La biologie devient socio-biologie; ainsi:
  - la procréatique médicalement assistée peut se transformer en une transaction socio-technique où peut avoir lieu la création d'un couple biologique (parfois invisible) duquel la sexualité est exclue; les mères peuvent avoir de nouvelles fonctions sociales (*mères porteuses*);
  - l'individu devient définissable, repérable, contrôlable par des indicateurs biologiques (groupes sanguins et HLA) et non par des caractéristiques sociales;
  - les comportements humains sont rapportés à un substrat chimique et moléculaire d'où le danger psychopharmacologique dans la modulation de la personnalité;
  - le métabolisme devient visualisable, contrôlable;
  - le statut humain est en train de se soumettre à l'hégémonie de la biologie, la biologie revendiquant l'hégémonie scientifique, la sociologie, la politique.
- La médecine multiplie considérablement les procédés d'exploration et les classifications des syndromes et des entités nosologiques. Ainsi, l'incertitude d'un diagnostic précis augmente tandis que la puissance et la spécificité des traitements augmentent aussi les risques thérapeutiques d'où la multiplication des situations d'urgence et l'augmentation de la responsabilité médicale.
- Les mutations techniques transforment les corps des spécialistes et transfèrent leur pouvoir. Les praticiens se multiplient, se diversifient tandis que les raisons des options perdent en clarté, en cohérence et les positions se contredisent.

- Le médecin et le personnel paramédical inclinent de plus en plus vers l'économisme de notre société d'où le glissement des forces médicales plutôt vers l'amélioration des performances biologiques de notre espèce animale que pour le sauvetage d'une vie, ou de la liberté d'un être plié par la souffrance.

De ces tendances socio-économiques se dégagent six impératifs de la formation permanente médico-biologique:

Acquisition du progrès

- *Accumulation rapide de nouvelles connaissances scientifiques.* Exemples: trois neuropeptides seulement étaient connus en 1960, tandis qu'en 1990 on en connaissait déjà 87. Plus de 200 maladies génétiques ont été décrits lors des dix dernières années; on a noté l'application d'au moins une vingtaine de nouveaux procédés de diagnostic et de thérapeutique lors des dix dernières années ainsi que l'introduction de l'informatique dans tous les secteurs médicaux, biologiques et pharamceutiques.
- *Apparition de nouvelles méthodologies issues de l'évolution technologique contemporaine.* Exemples: le diagnostic anténatal et la thérapie génique; la transformation de l'imagerie explorationnelle en imagerie interventionnelle.
- *Evolution dialectique des domaines (disciplines) médico-biologiques*: ultraspécialisation et apparition des nouvelles sciences interdisciplinaires. Exemples: la neuroendocrinologie, la chronobiologie, etc.

Avènement des maladies du vivre:

axé sur un impact génétique mieux connu, sur une meilleur connaissance de certains mécanismes physiopathologiques et des facteurs déclenchants liés à l'environnement, à la vie sociale et aux effets iatrogéniques (automédicalisation excessive). Il s'agit surtout des maladies cardio-vasculaires, syndromes nutritionnels et métaboliques, cancers, maladies autoimmunes, névroses et accidents.

Modifications statutaires et d'organisation médico-biologique

- *Modifications statutaires de la médecine:*
  - Décisions médicales, procédures et qualité de soins déterminés par des facteurs non médicaux:
    - ° matériels: techniques, informatiques, industriels, commerciaux;
    - ° humains: juristes, économistes, techniciens, ingénieurs.
  - Pathologie classée selon des critères non cliniques;
  - Apparition de la médecine prédictive;
  - Transformation de la médecine hospitalière:
    - ° Augmention des capacités d'accueil pour la naissance et la mort de l'homme;
    - ° Classification des "compartiments" d'hospitalisation en fonction de la durée des soins;

  - Disparition des hôpitaux psychiatriques;
  - Réorganisation des explorations paracliniques;
  - Création des unités de diagnostic des maladies polygéniques;
  - Diminution du nombre des lits d'hospitalisation des maladies intercurrentes et augmentation du potentiel des soins des démences séniles, déficits immunitaires, maladies virales, liés à la procréation et aux transplantations d'organes;
  - Création de services mixtes médico-chirurgicaux axés sur la médecine symptomatique et la chirurgie *réparatrice* (de jour).
- Modification de la médecine extra-hospitalière:
  - Développement du réseau hôtelier à profil médico-social (en gériatrie et psychiatrie surtout);
  - Participation de la médecine de ville à la prévention des sociopathies;
  - Transfert des soins intra-hospitaliers à la médecine de ville: asthme, bronchites chroniques, maladies dégénératives, etc.

– *Modifications du statut social du médecin:*

- Disparition du médecin de famille;
- Apparition des cabinets médicaux de groupe;
- Distinctions quasi-radicales entre:
  - médecin hospitalo-universitaire/praticien hospitalier mono-appartenant;
  - praticien hospitalier et praticien en clinique privée;
  - médecin généraliste et médecin spécialiste;
  - médecin praticien de ville et de campagne.

– *Modifications du statut médico-social du malade:*

- Assurent eux-mêmes certaines conditions d'hospitalisation (voir, hospitalisation à domicile);
- Jugent la qualité des soins par: autosurverillance de l'évolution et l'autosurveillance thérapeutique (HTA, diabète sucré, etc.);
- S'organisent en associations: de consommateurs des produits de santé et de malades (myopathies, paralysies, insuffisances rénales, diabète, S.L.A., S.E.P.);
- Participent à la recherche médico-biologique: (sujets d'études, administrateurs de fonds de recherche).

Eclatement du langage médical traditionnel

Jusqu'à il y a peu de temps, le langage médical était le langage du médecin clinicien, langage propre à la corporation qui assurait la cohésion de la corporation, étant parlé par tous les membres de celle-ci, chercheurs compris. Ce langage réalisait la conjonction de l'art et de la science médicale; il constituait la base du *colloque singulier* (du dialogue entre le médecin et le malade).

En cette fin du XXème siècle on constate:

- le changement radical du langage médical et l'enrichissement sémantique permanent sous la pression des progrès scientifiques, méthodologiques et technologiques;
- l'envahissement du langage médical par des chiffres (numérisation), unités d'informatiques, économiques, épidémiologiques, pharmacologiques, chronologiques, etc.;
- les différences significatives entre les langages des cliniciens, fondamentalistes, practiciens, chercheurs, thérapeutes, épidémiologistes, biologistes.

Le langage médical actuel est ainsi un langage axé d'une manière prédominante sur la méthodologie de l'utilisateur.

Modifications des temps de la médecine

Le temps de la procréation, le temps de la naissance et le temps de la mort peuvent être dissociés, chacun d'entre eux.

Les temps de l'incubation, de l'évolution clinique et des soins sont modifiables (y compris par des facteurs non-médicaux ou imprévisibles).

Le temps du savoir *médico-biologique* marque la disparition du *temps immobile* de la formation initiale médicale d'autrefois, et l'apparition du *temps accéléré* de la formation médicale continue, causée par le raccourcissement de la durée de vie des connaissances opérationnelles.

L'apparition du marché de santé

On constate l'apparition des nouvelles industries, des nouveaux commerces, établissements, produits de consommation courante, et appareils destinés aux prestations de santé, à l'état de bien-être. On note aussi l'allongement de la liste des médias consacrés au même but, ainsi que les innombrables appareillages de mise en forme et de surveillance des constantes somatiques et biologiques.

Au marché de santé participent de nombreux partenaires non-médicaux ainsi que tous les secteurs de la médecine (hôpital, médecine de ville, secteur public et privé, médecin spécialiste et généraliste).

Si le budget annuel d'un ménage français consacrait 10,8% à la santé en 1973, il consacrera 19,3% en l'an 2000.

Conceptions structurelles de la formation permanente médico-biologique

Notre base philosophique et l'analyse des tendances et impératifs de la recherche et de l'enseignement médico-biologique, nous ont facilité l'élaboration de quatre conceptions qui nous permettent de structurer tant la formation initiale (FI) que la formation continue (FC):

Conception pédagogique (modulaire ou horizontale)

Celle-ci prévoit d'axer les forces, les capacités, les moyens didactiques et de recherche sur des *modules* de production et de reproduction du savoir.

Par *module* on comprend:

- un thème porteur d'avenir;
- une direction dynamique;
- un état major expérimenté;
- des plans stratégiques axés sur les trois niveaux de déroulement de la formation: université, faculté (UFR), chaire (service ou laboratoire);
- des plans tactiques par cycle d'étude;
- des enseignants spécialistes du thème donné et ultra-perfectionnés en sous-thème;
- une logistique comprenant au moins: une banque bibliographique (et des données), de la documentation scientifique propre, des moyens audio-visuels, des moyens techniques et méthodologiques, un budget (minima) propre.

Conception d'organisation verticale comportant trois niveaux

- *Niveau universitaire proprement dit:*
  Il concerne d'une manière prédominante les enseignements transdisciplinaires, les ponts de passage entre la formation initiale et la formation continue, les enseignements interuniversitaires, l'enseignement de la bioéthique et la formation continue diplômate.
- *Niveau des Unités de formation et de recherche (Facultés)*:
  Ce niveau concerne la formation initiale d'une manière quasi-exhaustive et trois formes de la formation continue: a) Enseignement intensif, b) Journées annuelles de la FC et c) Cycles périodiques de conférences thématiques.
- *Niveau des chaires, services, laboratoires ou départements:*
  A ce niveau se consolide la formation initiale spécialisée et l'accent est mis sur la formation par et pour la recherche.
  A ce niveau également, par des séminaires, conférences, cours et démonstrations à périodicité bien définie, est assuré aux inscrits en formation continue l'apprentissage de nouvelles méthodes et

techniques dans leur propre spécialité ainsi que leur branchement au réseau de données et de connaissances professionnalisées.

Conception de réalisation: bi-polaire ou en profondeur

Elle comporte à un pôle l'Université et à l'autre le bénéficiaire (étudiant en formation initiale ou spécialiste en recyclage et perfectionnement).

Conception d'intégration socio-culturelle

Il s'agit d'une conception globale ou *sphérique*, où chaque rayon est à la fois:

- *Information*: bi-polaire (université - bénéficiaire);
- *Formation:* multipolaire (université - U.F.R. - départements);
- *Communication*: en réseaux didactiques modulaires réglés par l'Université.

Plans tactiques universitaires

L'établissement de ces conceptions structurelles nous a permis, ensuite, d'élaborer des plans tactiques universitaires:

- d'amélioration de la formation initiale par l'amplification des choix didactiques modulaires axés sur des thèmes prioritaires et non plus sur des disciplines d'organe (cardiologie, pneumologie, etc);
- de création de ponts bien structurés entre la formation initiale et la formation continue pluridisciplinaires, ouvrant aux médecins, pharmaciens et biologistes des voies diplômantes vers le droit, l'administration, la gestion, la communication, l'urbanisme, etc.;
- de faire de la formation continue médico-biologique une deuxième vocation universitaire afin qu'elle aboutisse à l'union de l'Université et de la profession et ainsi au maintien du médecin, du pharmacien et du biologiste dans la communauté universitaire pendant toute sa vie active.

Collaboration interuniversitaire franco-roumaine

Pour atteindre intégralement notre deuxième but stratégique, les résultats positifs de la formation continue médico-biologique; les changements radicaux opérés en Europe de l'Est, les corrélatifs de la francophonie et les valeurs éthiques de la solidarité universitaire internationale, nous ont déterminés à porter notre choix sur l'Institut de Médicine et de Pharmacie de Bucarest (IMPB).

Avec le recteur de cet institut, nous avons signé le 8 février 1990, un protocole-cadre de collaboration. Quelques jours après, nous avons créé à Paris le *Comité Bucarest* et un chargé de mission, pour l'aide à la modernisation de l'enseignement médico- pharmaceutique bucarestois, a été nommé.

Dans ce but, nous avons mis à la disposition de l'IMPB du matériel didactique (audio-visuel et autre), informatique (12 micro-ordinateurs) et de documentation (plus de 7 tonnes de livres et revues, abonnements gratuits pour 2 ans, etc.).

Nous avons assuré l'information aux universitaires roumains, d'une manière permanente. Cette information n'est pas étrangère au changement de nom de l'Institut de Médecine et de Pharmacie de Bucarest en *Université de Médecine et de Pharmacie Carol Davilla*. Il est lié à la rédaction des statuts de l'université bucarestoise ainsi qu'à la formulation de son autonomie et des pourcentages de représentation des enseignants et des enseignés dans divers conseils.

Des enseignants de notre université ont animé à la télévision roumaine des débats consacrés à la bioéthique et aux sociopathies contemporaines. Lors d'émissions sur Radio-Bucarest, ils ont aussi répondu aux questions des journalistes sur la génétique, la neuroendocrinologie, les insomnies et leur traitement, la médecine et les arts et la bio-médecine de demain.

Nous avons apporté des informations concrètes concernant l'organisation et la docimologie de la formation initiale et continue médico-biologique, sur l'épistémologie, l'heuristique et la sémantique médicale actuelle ainsi que sur la bio-médicalisation de la société du 3ème millénaire.

En ce qui concerne la formation proprement dite, nous avons repris à l'intention des enseignants roumains les dix modules qui représentent l'essentiel de notre conception pédagogique sur la formation continue médico-biologique. Axés sur le continu de ces modules (M), nous avons exposé et débattu devant les enseignants bucarestois les 39 sujets suivants:

M.1. *Progenèse et genèse humaine*
1. Grossesse à risque
2. Prélèvements foetaux
3. Diagnostic anté-natal

M.2. *Biologie et pathologie moléculaire et cellulaire*
4. Implications génétiques dans la pathologie générale
5. Eléments de thérapie génique
6. Eléments de médecine prédictive

M.3. *Régulations des grandes fonctions de l'organisme*
7. Neurotransmission, neuro-modulation, neuro-régulation
8. Fonctions intégratives mésencéphalolimbiques
9. Régulations neuroendocrines des états de vigilance
10. Régulation neuroendocrine de la mémoire

11. Contrôle de l'activité cardiaque
12. Contrôle de l'activité respiratoire
13. Thermorégulation
14. Adaptation à l'altitude

M.4. *Nouvelles méthodes de diagnostic*

15. Monitoring
16. Doppler pulsé
17. Tests rapides de diagnostic dans la pathologie infectieuse
18. Diagnostic des phases du stress

M.5. *Nouvelles thérapies*

19. Imagerie interventionnelle
20. Thrombolyse et angioplastie
21. Sutures mécaniques en chirurgie
22. Prothèses totales de hanche et de genou
23. Laser thérapeutique
24. La méthodologie des transplants hépatiques
25. Les inhibiteurs de l'enzyme de conversion
26. Actualités dans le traitement des dents frontales

M.6. *Douleur et thérapies antalgiques*

27. Physiopathologie et thérapie de la douleur

M.7. *Sociopathies et médecine de masse*

28. Réalités et espoirs dans la lutte contre le SIDA

M.8. *Santé publique, prévention, récupération*

29. Antidépresseurs et réinsertion sociale des malades psychiques

M.9. *Médecine informatisée*

30. Informatique pharmacologique
31. Automatisation des laboratoires biologiques

M.10. *Bioéthique*

32. De l'éthique de la bioéthique
33. Ethos et bioéthique
34. Principes d'éthique et de déontologie contemporaine
35. Responsabilité scientifique et médecine prédictive
36. Ethique et pratique médicale
37. Spiritualité, éthique et déontologie dans les médecines orientales et occidentales
38. Instantanés de l'activité d'un comité d'éthique
39. Ethique et expérimentation médicamenteuse

Une attention aussi grande a été accordée à la communication:

- aux rencontres et entretiens avec des enseignants et des étudiants roumains;
- à l'établissement des deux projets communs de recherches scientifiques:
  - l'étude cytogénétique des syndromes neuroendocriniens;
  - l'étude des états de vigilance dans les endocrinopathies majeures;
- à la publication dans la presse roumaine de quatre articles concernant la procréation médicalement assistée, la bioéthique et les complications neurologiques dans le SIDA;
- à l'organisation et au déroulement de trois colloques médicaux franco-roumains (à Bucarest du 11 au 14 septembre 1990 et du 5 au 9 octobre 1992, à Paris du 16 au 21 septembre 1991) et à la publication du volume des deux premiers colloques (sous presse, à Paris);
- à l'organisation et au déroulement de *l'Université de Printemps* à Bucarest, du 27 avril au 4 mai 1992.

Afin d'aider la formation continue des enseignants de l'Université de Médecine et de Pharmacie Carol Davilla de Bucarest, nous avons ainsi utilisé les formules des cours magistraux, des conférences, des séminaires, des démonstrations, des journées de formation, des ateliers de formation et des tables rondes.

Suite à l'examen passé à la fin de ces cours, nous sommes en train d'évaluer l'efficacité de *l'Université de Printemps* et ainsi de délivrer aux intéressés un certificat portant l'emblème de l'Université René Descartes.

Conclusions

Ainsi l'Université René Descartes par tradition et par acquis possède actuellement les capacités tactiques réclamées pour la production, reproduction et la diffusion du savoir en dégageant des impératifs conjoncturels, scientifiques, technologiques, économiques et sociaux dans le but d'organiser la formation professionnelle initiale et continue et de leur fournir les bases méthodologiques d'une pédagogie souple et évolutive afin d'assurer la stratégie de la pérennité d'une culture de masse de haut niveau, nécessaire à tout type de démocratie, académique et étatique notamment, et à la continuité historique de notre civilisation.

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Les Sciences de l'Homme et le Processus Démocratique en Europe

Michel MESLIN

From its medieval beginnings, the university (the only European institution the structure and role of which are still being preserved and assesed today) has taken upon itself the global formation of human character. The accelerated development in this century of the exact and the technical sciences has led to an opposition between the humanistic and scientific cultures, between a mode of being and of thinking and technical know-how. Insofar as they explain the historical, economic, and sociological mechanisms of today's world, and they contribute to the education of people endowed with an ability to judge and an intellectual mobility allowing them to cope with new situations - indispensable qualities in modern enterprises - the humanistic sciences prove to be a necessary counterpart to the hypertechnicalization of specialists. The aim of contemporary education can only be the humanization of the exact sciences. Such a humanism, based on anthropology, history, sociology, psychology, linguistics, etc., is all the more important as we are verging on a unified Europe. European unicity will be achieved not only through politics and economics, but also through culture.

Introduction

Toutes les universités se trouvent engagées dans le développement démocratique qui gagne l'Europe toute entière. Dépositaires des valeurs culturelles, ces universités sont la mémoire des sociétés, mais leur responsabilité en tant qu'institution les pousse à s'ouvrir largement vers l'avenir. Elles doivent en effet transmettre un héritage en l'adaptant aux mutations du présent, tout en accomplissant une fonction de critique et d'innovation. Les universités constituent donc les lieux où, dans une complète et indispensable liberté de recherche et d'expression qui marque leur autonomie, s'élaborent les réflexions et les outils intellectuels nécessaires pour comprendre les nouveaux modes d'être et de penser. Dans cette perspective, l'enseignement universitaire des sciences de l'homme apparaît indispensable.

L'importance de l'humanisme

Traditionnellement, les humanités étaient constituées essentiellement par l'étude de la langue et de la civilisation grecque et latine, ainsi que des philosophies qui s'y sont développées. Longtemps demeurées l'apanage des clercs et des savants, ces humanités ont développé en Occident une certaine idée de l'homme, de sa nature, qui apparaissait comme la forme de perfection commune à tous les êtres doués de raison et capables de progrès.

Faut-il rappeler que derrière ce mot d'humanités, comme derrière celui d'Humanisme qui apparaît lors de la Rennaissance, nous trouvons la racine *homme*, témoignant d'une préoccupation essentielle de l'être humain, de son éducation et de sa culture? Or ces humanités, cet humanisme, ont été transmis depuis le Moyen Age jusqu'à nos jours à travers l'institution universitaire, qui est la seule institution européenne dont les structures et le rôle dans les diverses sociétés se voient maintenus et affirmés. Or si l'université est, depuis ses enfances médiévales, et selon le modèle d'Oxford, de Bologne et de la Sorbonne, la communauté des maîtres et des étudiants, *universitas magistratorum et studiorum*, c'est parce que sa fonction est d'assumer la formation de l'homme dans sa totalité.

Il est évident que la permanence de cet humanisme et la vitalité de l'institution universitaire ne s'expliquent que par le jeu d'adaptations constantes aux besoins de chaque époque, c'est-à-dire grâce à une constante remise en cause, face aux modernités successives. Car en proposant un nouvel ensemble de valeurs, chaque modernité assume une fonction de régulation culturelle qui fait d'elle une sorte de tradition du nouveau, un *aggiornamento* qui est fondamentalement l'adaptation d'un héritage reçu à de nouvelles données culturelles. C'est donc l'histoire même qui nous impose de repenser la notion d'humanités et d'humanisme en tenant compte du développement de toutes les sciences de l'homme: l'anthropologie, l'histoire, la sociologie, la psychologie et les sciences du langage.

Nous ne pouvons plus réduire les humanités à de simples chefs-d'oeuvres littéraires, fruits d'une tradition qui semble dépassée et obsolète; ni même au simple rôle d'ossature d'une culture générale gratuite, qui s'opposerait, dans un combat perdu d'avance, à une professionnalisation plus immédiatement rentable. Car le développement accéléré depuis le début de ce siècle des sciences exactes et des techniques les plus performantes a créé une opposition entre une culture humaniste et une culture scientifique, entre un mode d'être et de penser et des savoir-faire techniciens. Le résultat le plus immédiat a été de marginaliser les intellectuels qui apparaissent comme des simples généralistes de la connaissance, par rapport aux scientifiques doués d'une compétence spécialisée et professionnelle. Et pourtant, qui ne voit que le technicien spécialiste ne peut jamais que détenir un fragment de sa propre discipline. Il n'envisage pas ce qui dépasse ou déborde sa spécialité. Il ne peut pas penser ce qui excède sa propre connaissance ni définir sa propre science dans sa totalité.

Depuis vingt-cinq ans, l'évolution rapide de la physique, de l'astrophysique, de la biologie, de la génétique, amène les scientifiques à réfléchir sur le devenir de leurs découvertes. Certains y découvrent, avec étonnement parfois, des interrogations éthiques inéluctables. Car ces technologies de plus en plus complexes et difficiles à maîtriser constituent un risque inquiétant, celui de la domination d'une petite caste de gens qui seraient les seuls à posséder un savoir démiurgique et à pouvoir le manipuler. Ainsi l'énergie nucléaire, ainsi la réalisation du décodage des gènes humains: de même la fécondation in vitro qui pourrait donner aux biologistes des pouvoirs extraordinaires. Un contre-pouvoir est nécessaire, qui ne peut être suscité que par les croyances religieuses et par le développement d'humanités ouvertes largement sur ces problèmes. C'est l'éthique qui peut et doit faire le lien entre le scientifique et l'humaniste.

Précisément les sciences de l'homme peuvent, en grande partie, constituer ce contre-pouvoir, dans la mesure où expliquant les mécanismes historiques, économiques, sociologiques du monde actuel, elles contribuent à la formation d'hommes et de femmes capables de réfléchir, de prendre du recul, et d'avoir assez d'esprit critique, possédant une mobilité intellectuelle qui leur permette de faire face à des situations neuves, doués d'une réelle sensibilité aux relations inter-humaines. De telles qualités deviennent de plus en plus indispensables dans toutes les entreprises, comme les contre-poids nécessaires à l'hyper-technicité des spécialistes.

Or cette possibilité d'adaptation intellectuelle aux mutations de nos sociétés, cette formation à l'esprit critique constituent un indéniable facteur de liberté démocratique. Ce sont les étudiants et les étudiantes que nos Universités auront ainsi formés qui deviendront les cadres des entreprises, et feront à leur tour fonctionner le monde selon un modèle de liberté nécessaire au mieux-être de l'homme. Humaniser les sciences exactes et en même temps ouvrir les humanités vers le large horizon de toutes les sciences de l'homme, tel est le but de toute éducation contemporaine.

Cet humanisme fondé sur les sciences de l'homme constitue un outil efficace pour aider les jeunes de notre temps à comprendre ce qu'est l'identité européenne. Certes il ne s'agit pas d'une réalité facile à cerner. Pourtant les hommes et les femmes de ce vieux continent si marqué par l'histoire, par des rivalités politiques, économiques, religieuses parfois, éprouvent d'autant plus le besoin de prendre conscience de ce qui fonde leur identité commune. Mais comme il est difficile de passer de cette prise de conscience à un début d'unité culturelle! Et pourtant, il est très frappant de constater combien on assiste ces dernières années à un changement dans les mentalités des étudiants européens: la construction de l'Europe, la libre circulation amorcée des hommes et des femmes entre tous les pays créent chez les jeunes un état d'esprit plus ouvert, plus curieux des moeurs et coutumes des autres pays. Ils ont conscience que des rencontres avec d'autres cultures sont une source d'enrichissement personnel et peuvent faire surgir des impulsions fructueuses pour le développement de notre culture à tous.

On peut ainsi penser qu'un nouvel humanisme, fondé sur la connaissance de l'autre et sur la compréhension réciproque, constitue le meilleur ferment de la culture européenne et de la prise de conscience de sa valeur irremplaçable.

L'humanisme et l'unité européenne

Il paraît donc nécessaire que les universités introduisent maintenant dans leurs cursus des enseignements de culture et de civilisation européennes. L'Europe est une mosaïque de micro-cultures, et l'unité de l'Europe ne peut se faire qu'en reconnaissant cette diversité. L'école et l'université doivent absolument participer à ce mouvement unitaire en adaptant le contenu de leur enseignement. Il nous faut donc donner l'accès au plus grand nombre de ces cultures dont la somme constitue l'unique culture européenne, irremplaçable dans le monde du XXème siècle, et qui sera le ciment le plus solide de son unité. Il s'agit d'apprendre à la connaître à travers la poésie, les romans, la peinture, la musique, la réflexion philosophique, c'est-à-dire, à travers tout ce que l'homme a à sa disposition pour dire à une autre son amour, et ce qui est beau, et ce qui lui semble vrai. C'est par l'école et l'institution universitaire que nous y parviendrons.

Ce rôle, dévolu aux intellectuels de l'Europe d'aujourd'hui, renoue avec une tradition presque millénaire. A la création des premières universités, au XIIIème siècle, les lettrés étaient européens par nature. Mais, il faut bien le reconnaître, l'identité européenne n'est pas une réalité facile à cerner. Car les mémoires de chaque peuple gardent longtemps le souvenir des inimitiés qu'heureusement, parfois, l'histoire réussit lentement à effacer. Les hommes et les femmes de ce vieux continent, si marqué par des rivalités politiques, économiques et religieuses éprouvent d'autant plus le besoin de prendre conscience de ce qui peut fonder leur identité commune.

Mais il faut bien admettre que la communauté de destin de l'Europe ne découle ni naturellement ni logiquement de son passé. Faut-il rappeler l'éphémère tentative pour créer, au Siècle des Lumières, une nation européenne, de Lisbonne à St. Pétersbourg et d'Oslo à Naples, une société d'honnêtes gens autour d'un mode de vie fondé sur l'idéal du progrès, de la raison et de l'universalité de la langue française, la seule langue d'homme jugée possible! Ce puissant mouvement qui naît alors et qui suscite la libre circulation des êtres et des idées a échoué en partie parce qu'il laissait à l'écart le plus grand nombre, tandis que les rivalités antagonistes des classes bourgeoises marchandes cimentaient en réalité des entités nationales concurrentes. L'Europe d'alors n'a pas pu se faire par la seule culture, négligeant l'économique et le social.

Quelle leçon pour nous, en cette fin du XXème siècle où un nouveau printemps des peuples a fleuri sur les déserts des totalitarismes impuissants à créer de nouveaux espoirs de vie et une nouvelle aventure humaine. Ainsi la conscience de notre nécessaire unité émerge dans notre présent immédiat, bien moins de notre passé que parce que notre avenir semble nous l'imposer. Mais comment créer une conscience commune à partir d'un futur que nous ne connaissons par encore? Là réside la plus grande difficulté; là se trouve aussi la source de nos espoirs. Car il est absolument certain - les évènements nous le montrent chaque jour - que c'est à la fois par la politique, l'économie, mais aussi et autant par la culture que s'élaborera l'unité de l'Europe.

Pour la première fois sans doute de son histoire l'Europe semble en effet tentée de s'unir en dehors d'une hégémonie politique précise, et d'être ainsi capable d'une nécessaire prise de conscience créatrice. Or cette Europe, notre Europe, est une véritable mosaïque de cultures qu'il nous faut accepter dans leur richesse et leurs diversité. Une simple collaboration culturelle entre les Etats et les institutions resterait insuffisante et risquerait de n'aboutir qu'à une juxtaposition de ces cultures. Il nous faut prendre conscience de ce fil rouge qui constitute la trame de notre héritage indivis, constitué de valeurs communes: la liberté de l'esprit, la recherche de la vérité, le sens de l'histoire.

Oui "l'Europe est bien ce continent de la vie interrogée", comme le dit Stanley Hoffmann, c'est-à-dire le lieu d'une continuelle remise en cause des certitudes trop rapides et des jugements exclusifs. Dans l'affirmation culturelle de l'Europe nous ne devons ni abolir, ni mélanger, ni juxtaposer des cultures selon une inventaire de traditions folkloriques et populaires plus ou moins vouées à une rapide disparition. Mais en recherchant, en affirmant, en consolidant sans cesse les valeurs qui nous sont communes, il nous faut aboutir à plus d'humanité. L'Europe, en d'autre termes, est le résultat d'une convergence de cultures et non de leur amalgame: entre chaque culture nationale et les fondements d'une culture commune à l'Europe, encore insuffisamment présente dans l'enseignement, il ne peut y avoir que complémentarité et non antagonismes.

Conclusion

L'avenir de l'Europe ne peut être que celui d'une croissance organique et communautaire, fondée sur le respect de l'homme en tant que personne singulière et collective. Il nous appartient, à nous universitaires, de lui fournir les éléments nécessaires à l'édification d'une conscience commune. C'est de nous, de notre capacité à promouvoir un humanisme signifiant pour notre temps, que dépendra, en grande partie, que l'Europe ne se perde pas dans l'égoïsme et la recherche éperdue du seul bien-être matériel, qu'elle ne renonce pas à sa vocation et à son rôle historique, mais qu'elle se forge une âme multiple et unie dans l'amour de la vie et dans l'espérance. Car pour nous, qui avons reçu la tâche la plus exaltante qui soit, celle de former la jeunesse qui fera le monde de demain, nous devons impérativement l'éveiller à cette communauté européenne fondée sur la liberté, la démocratie, les repects des identités culturelles et la volonté de comprendre ce qui nous unit. Comme déjà au XVIème siècle notre conduite reste définie par ce mot, "je ne bâtis que de pierres vives et ce sont des hommes".

C'est la mission et la responsabilité éminente des universités que de poser devant les responsables politiques et les opinions publiques les problèmes fondamentaux de la cité, de l'éthique et de la culture, et de contribuer ainsi à l'édification d'une véritable communauté européenne, qui ne peut se réaliser que par l'homme et pour son mieux-être.

Enseignement Universitaire, Formation du Potentiel Intellectuel et Responsabilité Sociale

Boris MELNIC

A monstrous and brutal policy impaired the intellectual potential of the population of the Republic of Moldova. The university is the key to its regeneration. In order for the university to undertake this task, it must itself undergo profound changes with regard to structure and content that will permit its integration and harmonization with higher education at international level. The required processes must not assume the form of aid, but rather of partnership, based on mutual interests and respect for the history and culture of the participating countries. The renewal of the Moldavian university must avoid the pitfalls of the market economy, particularly the de-emphasis of fundamental research for the benefit of activities giving immediately profitable results. Also, there is a need to readjust the relationship between the exact and the humanistic sciences, the latter, in recent years, having been completely neglected. This phenomenon is extremely serious, since the very ignorance of the nature of man is one of the causes of the economic disaster which Moldova is experiencing.

Introduction

La République de Moldavie a été plongée dans son état actuel de dénuement intellectuel par une politique monstrueuse et brutale. Ce qui est encore plus grave c'est que la mémoire même de la nation a eu à souffrir. La moitié du potentiel intellectuel a été détruite par les déportations et les exactions commises envers les personnes les plus douées, les plus ingénieuses, les plus cultivées, les plus diligentes. Nombreux ont été les scientifiques, les médecins, les enseignants et les artistes qui ont dû émigrer.

Le rôle de l'université

La reproduction de l'homme sous tous ses aspects se fait par un ensemble d'actions qui portent autant sur l'homme même, en tant qu'entité somatique et spirituelle, que sur son environnement, naturel et social. L'université est la voie royale pour la formation et le développement intellectuel d'un peuple. Pour répondre à ses besoins de croissance intellectuelle et spirituelle, à ses besoins d'autoreproduction et de développement créateur, l'enseignement qu'elle dispense doit viser le développement de la personalité et ses possibilités d'autoperfectionnement. En somme, l'université doit assurer le potentiel spirituel et intellectuel de la société, condition *sine qua non* du développement des forces de production dans l'étape actuelle de la révolution technologique. Cet enseignement doit aboutir à une formation scientifique large, qui intègre les acquis universels de la science et de la culture et qui soit à la base d'une formation professionnelle permanente.

Les activités de l'université ne se résument pas à l'enseignement et à la recherche, mais impliquent aussi la formation d'une attitude civique active et humaniste, aussi bien que le développement de la culture dans le cadre du maintien des traditions de la vie académique. Cependant, après avoir exercé le rôle de *serviteur* résigné du pouvoir d'Etat, l'enseignement supérieur moldave ne cesse d'être l'une des structures les plus déformées de la société moldave.

A l'heure actuelle, en ce qui est des paramètres quantitatifs et qualitatifs les plus importants du développement intellectuel des jeunes, la Moldavie est en retard par rapport aux pays développés. Les modifications d'ordre conceptuel et structurel pas plus que les modifications de contenu des enseignements donnés ne sont pas susceptibles d'améliorer à court terme la situation.

L'enseignement universitaire exige de sérieuses et profondes modifications de structure et de contenu, capables d'améliorer radicalement le niveau professionnel et intellectuel des spécialistes aussi bien que la formation humaniste de l'ensemble de la population. Le dynamisme des changements socio-politique et économiques demande un enseignement universitaire dynamique, susceptible d'autoréglage et d'autorenouvellement, capable de re-donner à la notion d'*enseignement universitaire* son contenu primitif, dévalué par la modification arbitraire de l'appellation de certains établissements érigés en *universités appliquées* (technique, agricole, médicale, pédagogique, coopératiste, technologique, etc.), sans que l'enseignement qui y était dispensé ait cette dimension humaniste absolument indispensable à une formation universitaire.

La multiplication, à divers niveaux, des contacts internationaux, les problèmes rencontrés dans les domaines de l'utilisation des ressources naturelles, de l'écologie, dans d'autres domaines aussi, mettent l'enseignement moldave devant la nécessité de s'intégrer dans l'enseignement mondial, d'harmoniser ses structures et son contenu avec les structures et le contenu de l'enseignement des pays développés. Cette intégration et cette harmonisation ne doivent pourtant pas revêtir la forme d'une aide, mais plutôt celle d'un partenariat à base d'intérêts mutuels et qui tienne compte de l'histoire et de la culture des pays participants. Concevoir la co-opération comme un transfert mécanique de modèles et de standards appartient d'ores et déjà au passé; la véritable co-opération interuniversitaire est la recherche en commun, dans l'esprit de l'éthique humaniste, de solutions pour les problèmes globaux de l'enseignement et de la recherche.

Il est important de faire accepter par l'opinion publique que l'enseignement est une priorité. Il est important de lui accorder toute notre attention, d'accroître son prestige, de cultiver parmi les étudiants ces valeurs pour que celles-ci les incitent à élever le niveau de leur formation fondamentale et de leur culture générale et à participer de façon créatrice aux activités d'instruction et de recherche.

Les dangers de l'économie de marché

Le désastre économique et spirituel dans lequel nous nous trouvons représente un danger énorme pour l'avenir de notre société. Si, au temps du totalitarisme, l'intellectuel était enchaîné et déporté, ayant acquis aujourd'hui le droit à la libre circulation, il risque de quitter de son plein gré le pays, tant il est vrai que l'activité des meilleurs scientifiques moldaves, des artistes moldaves les plus doués et des enseignants moldaves les plus talentueux ne sont pas appréciés à leur juste valeur.

Un autre aspect préoccupant est l'idée fixe du passage immédiat à l'économie de marché, idée que beaucoup parmi nous nourrissent sans voir que l'intelligence risque ainsi de se voir acheter par les hommes d'affaires que rien n'arrêtera dans leur désir de satisfaire par n'importe quel moyen leurs intérêts pécuniaires. La recherche scientifique fondamentale, la littérature, la culture courent ainsi des risques importants, vu que, obligés de résoudre des problèmes pratiques courants, les spécialistes dans ces domaines ne pourront pas songer à l'avenir. Les scientifiques, généralement, les gens de culture qui s'intéressent aux problèmes fondamentaux seront contraints soit à changer de formation et à s'occuper de problèmes insignifiants pour répondre à des exigences courantes, soit à s'expatrier. Cette hémorragie d'intelligence ajoutée à la paupérisation générale risquent d'entraîner la disparition de la culture universitaire et, par voie de conséquence, la dégradation de l'ensemble de la société.

Priorité à l'humanisme

Dans Académie nationale moldave aussi bien que dans les établissements d'enseignement supérieur du pays une certaine dissymétrie en faveur des sciences techniques est apparue ces dernières années. Presque personne ne s'occupe de la problématique humaine et de la formation systématique du potentiel intellectuel. Les institutions médicales, elles aussi, ne s'intéressent pas à l'homme, mais seulement à ses maladies. Dans le domain de l'histoire, l'attention des spécialistes est très peu axée sur l'histoire contemporaine, préférant se porter sur l'histoire des temps lointains. L'homme reste ainsi à l'extérieur de l'intérêt scientifique et aucune recherche complexe, profonde et multilatérale sur l'homme ne se fait en Moldavie à l'heure actuelle. Il n'existe aucun établissement qui possède le potentiel nécessaire pour approcher de façon adéquate la problématique de l'essence de l'homme et la possibilité de décrire et de prévoir ses sentiments et ses actions. C'est la raison pour laquelle les mesures de restructuration n'ont pas abouti aux résultats escomptés, dépourvues qu'elles étaient de fondement théorique. Et c'est là, dans le peu de compréhension que nous avons de l'homme, dans notre crise spirituelle, que réside l'une des causes les plus importantes de notre désastre économique.

L'enseignement universitaire doit devenir le symbole et le lieu de manifestation de la pensée nouvelle, qui porte en son coeur l'idée que ce n'est pas à la force mais à la raison de régler les rapports entre les hommes. L'université doit devenir une institution de la confiance mutuelle et de l'entente, elle doit réunir autour d'elles les forces intellectuelles les plus saines et devenir un centre de collaboration intellectuelle et d'initiatives pratiques. Tribune du dialogue social, elle doit devenir un centre de co-opération active avec les autres universités et centres scientifique du monde.

L'université est appelée à participer à l'élaboration et à la réalisation de la stratégie de développement du pays, à oeuvrer à la purification des consciences en les débarrassant des déchets de la haine et de l'envie. Elle doit promouvoir l'humanisme, la charité et l'aide réciproque. Elle doit participer, de la manière la plus active, à la connaissance approfondie de l'histoire et au développement de la culture nationale; elle doit contribuer à l'élaboration des lois de l'enseignement, de la science, de la protection de l'environnement et de la protection des droits de l'homme, compte tenu non pas des intérêts étroits et égoïstes, mais des intérêts communs à l'humanité toute entière.

Conclusion

Avec courage et passion, l'université moldave doit combattre le conservatisme de la bureaucratie pédagogique, qui, s'appropriant seulement le langage de la restructuration, reconduit les anciennes structures et, par ses dispositions et ses arrêts, provoque parmi les enseignants et les enseignés plutôt la révolte et la protestation que l'esprit novateur et l'enthousiasme.

L'université doit jouir d'une indépendance et d'une autonomie réelles par rapport à l'Etat. Elle doit avoir une liberté complète dans le recrutement de ses professeurs sur les seuls critères de la compétence et de la personnalité. Or, il n'y a pas de normes préscrites quant à la personnalité. Nous devons également avoir le courage non pas de nous adapter à l'économie de marché, mais de résister à ses pressions, sous peine d'aller à la perte de l'intelligence et de nous transformer, sans même nous en apercevoir, en esclaves.

L'Autonomie de l'Université: un Concept Ancien à Significations Nouvelles

Ivan IVIC et Djordje PAUNOVIC

The problems confronting eastern and central European universities are not unique to eastern Europe. In fact, what is being questioned is the classical formula of the university as a place for the creation and propagation of self-sustained knowledge, a formula that constitutes the epistemological foundation of academic autonomy and liberties. The particular situation of the universities belonging to the formerly socialist countries, (like Serbia, for instance) is stimulating a tendency to regard academic autonomy as a form of corporatist protection, of depolitization, when, in fact, autonomy implies the creation of new independent centres of decisional power. Under certain conditions (the renunciation of an overly destructive criticism of the past, the development of a spirit of initiative, the rejection of the illusion that there are such things as universally valid solutions, etc.), soundly conceived academic autonomy might be an essential instrument in the mobilization of the human resources in university milieux to overcome the present crisis in the former socialist societies.

Les différentes expériences historiques des universités des pays de l'Est et l'Ouest européen durant ces dernières décennies révèlent les significations multiples des concepts d'autonomie et des libertés académiques aussi bien que la diversité de leurs applications pratiques.

Universalité de la question de l'autonomie universitaire

Quoique les problèmes auxquels sont confrontés les universités des pays de l'Est-européen en ce moment paraissent dramatiques et très spécifiques, si on prend un peu de recul on s'aperçoit que les questions fondamentales de l'autonomie et des libertés académiques ont partout les mêmes sources.

Prenons comme exemple la formule classique de l'université comme lieu de création et de diffusion des connaissances comme une valeur en soi (cette formule étant le fondement épistémologique de l'autonomie et des libertés académiques). Que reste-t-il de cette formule dans les societés modernes dans lesquelles les décisions stratégiques en ce qui concerne la recherche sont souvent prises hors des universités par des partenaires très intéressés (y compris le complexe militaire)? Ou encore, que reste-t-il de ce fondement à la lumière du développement récent des structures universitaires (par exemple, l'expansion du secteur non-universitaire) qui s'orientent de plus en plus vers la formation des cadres demandés directement par l'économie, au lieu de dispenser un enseignement général susceptible de former des esprits indépendants? Et comment les universités pourront-elles jouer leur rôle d'instance de réflexion critique dans les conditions de ces interdépendances multiples avec les autres secteurs de la société?

Il est évident que l'évolution des sociétés modernes a mis en question les acceptions traditionnelles des concepts d'autonomie et de libertés académiques et que les universités des deux moitiés de l'Europe sont confrontées aux mêmes défis.

Le Cas des pays ex-socialistes

Cependant, les universités des pays anciennement socialistes ont une expérience spécifique de l'autonomie et des libertés académiques.

Les traits communs qui définissent la situation des universités de ces pays d'avant les changements sont bien connus: existence du seul secteur public, financement par l'Etat, contrôle des universités par des mécanismes financiers mais aussi par les instruments politiques et idéologiques. Cet état de choses a eu comme conséquence une certaine stabilité du financement, des privilèges considérables pour un certain nombre d'établissements et d'individus, ce qui explique les acquis importants dans le développement de la recherche et de l'enseignement. En même temps, les infractions à l'autonomie et aux libertés académiques étant très transparentes (à l'Ouest elles sont plus cachées et se réduisent au fond au contrôle des universités par des mécanismes de financement), elles ont facilité à certains universitaires l'exercice de leur rôle fondamental, qui est celui d'une réflexion critique qui a pris dans leur cas la forme de dissidence.

Les changements profonds des structures socio-économiques de ces sociétés ont eu des conséquences très directes sur les statuts des universités. Et il n'est pas surprenant que c'est justement l'autonomie de l'université qui s'est trouvée et se trouve au centre des conflits politiques.

Le Cas de la Serbie

Tel est le cas, par exemple, de la Serbie. En ce moment justement, l'opinion publique est très agitée par un conflit ouvert entre l'Association des universités de Serbie et le gouvernement, conflit qui est présenté dans les media comme une "lutte pour l'autonomie de l'université". Ce conflit a surgi à propos de la nouvelle loi qui doit réglementer le statut et les activités des universités.

Les points centraux du conflit sont les suivants: a) la propriété sur les immeubles, les terrains, etc. (les universités en réclament la propriété parce que ce serait là le fondement économique de leur autonomie); b) la gestion des universités et des facultés (les universités réclament que la gestion interne leur soit complètement reconnue, alors que le gouvernment réclame le droit de nommer les recteurs et les doyens et une partie des membres des Conseils des universités et des facultés); c) le financement (les universités voudraient diversifier leurs ressources financières: l'Etat n'est qu'un des clients qui assure le financement d'un certain nombre d'étudiants dans chaque domaine d'études, mais les universités ont le droit de s'assurer des moyens financiers provenant d'autres sources: telles que les personnes privées ou les entreprises, en offrant des services de recherche, d'enseignement et d'application de leurs recherches, etc.); d) le statut des enseignants (d'après la proposition des universités ils ont un statut libre et le financement assuré par l'Etat n'est qu'une partie de leur revenu).

Autonomie et controverses

Cet exemple montre comment le problème de l'autonomie de l'université s'est trouvé au centre des dilemmes et des controverses durant cette période de transition dans les sociétés des pays anciennement socialistes. Et voici quelles sont les controverses majeures qui jettent une lumière nouvelle sur le problème de l'autonomie de l'université.

- Le concept d'autonomie même, acquis nouveau et précieux, risque de se dégrader en une sorte d'isolement social. Comme réaction au contrôle excessif de l'Etat, on enregistre dans les milieux universitaires une tendance au repli sur soi. Le pire, c'est que cette acception de l'autonomie risque de s'exprimer sous la forme d'une protection corporative des intérêts des enseignants. Ce danger est d'autant plus réel quand on pense aux salaires actuellement très modestes des universitaires.
- Un autre aspect du risque d'isolement est directement lié aux échanges internationaux. Exaspérés par les tristes réalités de leurs pays respectifs, beaucoup d'universitaires se tournent vers la communauté internationale, ce qui est absolument nécessaire, mais cela peut engendrer une conduite de protection des intérêts corporatifs ou s'exprimer sous la forme de l'absence de tout intérêt pour les problèmes de la société.
- La lutte pour l'autonomie économique de l'université (diversification des sources de financement, offres de services) s'exprime souvent purement et simplement comme une conception libérale, alors que cela n'a jamais été le cas dans les pays ayant une tradition de l'économie de marché. Et cette tendance libérale

menace en particulier les recherches fondamentales et certaines formes de l'enseignement universitaire de base, qui risquent de rester dans l'ombre des services éducatifs qu'on pourrait vendre directement au marché.

- Dans la lutte ardue pour l'autonomie politique, les universités expriment souvent une tendance à la dépolitisation (ce qui en réalité n'est que le remplacement d'une politique par une autre, souvent d'allure nationaliste et chauvine). Cette tendance est porteuse de contradictions internes, parce que autonomie universitaire veut dire qu'un nouveau centre de décision, autonome cette fois-ci, apparaît sur la scène politique. En plus, cette dépolitisation n'est souvent qu'une dérobade devant les problèmes les plus durs de la société. Si cette dépolitisation est vraiment réalisée, elle conduit non pas à la véritable autonomie mais à l'autisme de la part des milieux universitaires.
- Trop préoccupées par la lutte pour la défense de l'autonomie contre les forces de l'extérieur, les universités n'examinent pas avec l'attention requise les impacts intérieurs du principe d'autonomie (démocratisation interne, statut et droits des étudiants). Cette tendance risque de limiter considérablement l'esprit d'initiative et d'enterprise des universités.

Il est dans la nature des périodes de transition (et les anciennes sociétés socialistes traversent une telle période, et ce n'est là qu'un euphémisme) de comporter des risques mais aussi des chances, des possibilités nouvelles.

Les possibilités offertes par les changements socio-politiques

Il est clair que l'autonomie universitaire et les libertés académiques (c'est-à-dire l'apparition sur la scène publique d'un centre indépendant de décision, la liberté de la recherche et des études, la liberté de pensée, la réflexion critique en matière de tout ce qui a trait à la respublica) sont un instrument de renouvellement de première importance dans les pays de l'Est-européen. Et cela du simple fait qu'un problème majeur de ces pays pays était le système de distribution des droits de décision trop centralisé, les décisions étant prises d'en haut, ce système a eu pour conséquence la formation d'une mentalité attentiste, de passivité, d'absence d'initiative et d'entreprise. Et c'est justement là qu'on trouve le fondement des espoirs que l'autonomie, dans la pleine acception du terme, pourrait être un des instruments essentiels de mobilisation des ressources humaines des milieux universitaires susceptibles d'être des facteurs de dépassement de la crise de ces sociétés.

L'un des effets d'une très grande importance de l'autonomie des Universités doit être leur internationalisation, le renforcement des échanges et de la coopération dans le domaine de la recherche aussi bien que dans le domaine de l'enseignement. Combiner ingénieusement l'autonomie et l'internationalisation - voilà une voie des plus prometteuses pour cette période de transition.

Mais ces promesses ne peuvent donner des résultats que sous certaines conditions. Voici une liste provisoire de ces conditions qui sont toutes étroitement liées au concept d'autonomie dans son sens profond (le droit de décision autonome conjugué avec les responsabilités, l'indépendance de l'esprit, la réflexion critique): a) renoncer à une critique trop destructrice qui ne voit dans le passé que les erreurs; b) développer un esprit de recherche qui soumette à l'analyse la réalité bien complexe des sociétés en transition (y compris la réalité même de l'université) au lieu de se satisfaire de constatations simples et mal fondées; c) développer l'esprit d'initiative et d'entreprise des institutions et des individus au lieu d'attendre des solutions faciles de type clef-en-main provenant de l'Occident (certains programmes d'assistance et la conduite de certains conseillers occidentaux renforcent la croyance à ce genre de solution); d) dénoncer l'illusion qu'il y a des solutions généralement valables aux problèmes de la société et de l'université (le slogan par example selon lequel le mécanisme du marché résoudrait ces problèmes; e) prendre vraiment conscience de la réalité que les problèmes difficiles de la transition demandent un travail dur; f) et, avant tout, réfléchir de façon critique sur les réalités et sur les démarches susceptibles d'être faites à chaque moment de cette difficile période de transition.

Section IV

Closing Address

Les Libertés Académiques et L'Autonomie Universitaire

Marco Antonio R. DIAS

On behalf of Mr. Mayor, Director-General of UNESCO, the Romanian organizers of the Conference are congratulated for its success. It was heartening to witness the consensus of the participants on the necessity of assessing the social role of the university (Group III) and of designing public higher education policies in order to train experts and researchers and to ensure national independence; on the rejection of a two-speed Europe and of indiscriminate copying of models; and on the need for independent evaluation and accreditation systems meant to aid rather than to punish. There is also a call for international co-operation, such as that ensured by UNITWIN, as well as a guarantee of the status of the university teaching staff. The Draft of the Sinaia Statement reinforces the fundamental principle of academic autonomy and freedom, and asks for "an international instrument for the protection and promotion of these values".

Introduction

En réaffirmant et en revitalisant les principes de l'autonomie universitaire et des libertés académiques, attirant en même temps l'attention sur le fait que l'autonomie de l'université ne peut reposer qu'en fonction de son utilité sociale, la conférence de Sinaia a atteint ses objectifs, est entrée dans l'histoire des universités européennes, et ses conclusions deviendront un point de référence pour tous ceux qui s'intéressent à l'autonomie et aux libertés académiques.

Votre conférence a été un succès. Le haut niveau des contributions des orateurs en plénière, la richesse des débats dans les groupes de travail, la participation de représentants de la quasi-totalité des pays européens, et également d'Amérique du Nord (Canada et les Etats-Unis avec plusieurs institutions tampons), l'intérêt des représentants d'organismes internationaux, soit gouvernementaux comme le Conseil de l'Europe, soit non-gouvernementaux comme la Conférence permanente des recteurs, des présidents et des vice-chanceliers des universités européennes (CRE); l'Association internationale des universités (AIU); la Fédération internationale syndicale de l'enseignement (FISE); la Confédération mondiale des organisations de la profession enseignante (CMOPE) en sont une preuve.

Au nom de Monsieur Federico Mayor, Directeur général de l'UNESCO, je vous remercie tous de votre participation, en particulieur, les organisateurs de la Conférence, les représentants du Gouvernement et des universités roumaines, ainsi que le personnel du Centre européen pour l'enseignement supérieur (CEPES).

Monsieur le Président et de la Conférence et de la Conférence des Recteur Roumains;

Monsieur le Ministre de l'Education de la Roumanie, chargé de l'enseignement supérieur;

Monsieur le Secrétaire général de la Commission de la Roumanie pour l'UNESCO;

Mesdames, Messieurs;

Ce n'est pas la première fois que je prends la parole, en Roumanie, au nom du Directeur général de l'UNESCO. En septembre 1988, j'ai eu l'honneur de le représenter à la XIVème session du Comité consultatif du Centre européen pour l'enseignement supérieur (CEPES), qui a eu lieu à Bucarest. A l'ouverture de cette session, après avoir signalé que dans un temps où les problèmes sont globaux, leur solution ne peut être trouvée au niveau des pays isolés, j'ai ajouté que

> la coopération devient donc nécessaire. Nous vivons un temps où l'on peut se permettre de rêver. Il est vrai que *le génocide de peuples entiers subsiste* et que la communauté internationale est impuissante à mettre fin à des procédés *qui portent atteinte aux droits des individus et aux droits des peuples*. Mais nous voyons de tous côtés des signes d'ouverture, des dictatures qui s'écrasent en Amérique latine, *des ouvertures qui ont lieu à l'est et à l'ouest*, des accords au sommet, mais aussi à des niveaux régionaux ou même nationaux, c'est donc un moment propice pour penser à la reconstruction, à la construction collective d'un monde meilleur, à l'établissement d'une paix basée sur la solidarité humaine et non sur la terreur!

J'ai demandé ensuite aux membres du Comité, présents à Bucarest, si cela était un rêve, ce qui n'a pas empêché certains membres du Comité de considérer qu'il s'agissait plutôt d'une provocation envers les autorités roumaines de l'époque, présentes ou représentées au CEPES au moment de cette cérémonie.

C'était, sans aucun doute, un rêve. En septembre 1988, qui aurait pu imaginer la chute du Mur de Berlin en novembre 1989, ou les bouleversements en Roumanie un mois plus tard, en décembre 1989? Une partie au moins du rêve devenait réalité. Des conférences comme celles d'aujourd'hui sont de nature à permettre que le rêve tout entier devienne réalité.

Qui peut donc s'étonner que l'UNESCO, pour fêter le vingtième anniversaire du CEPES, accepte de promouvoir une conférence internationale sur les libertés académiques et l'autonomie universitaire? L'impact des événements en Europe de l'est et en Europe centrale sur les universités a, en effet, mené le Directeur général de l'UNESCO, en 1990, à répondre positivement, avec enthousiasme, à la proposition de la Commission nationale de la Roumanie pour l'UNESCO et de la Conférence des Recteurs roumains d'organiser cette conférence à laquelle se sont associés le Conseil de l'Europe et la CRE, à qui une fois de plus l'UNESCO présente ses remerciements.

J'insiste sur le fait que la Conférence de Sinaïa deviendra sans aucun doute un point de référence dans la vie et l'histoire des universités en Europe, et ses conclusions constitueront la base de réflexions ultérieures. Déjà dans le cadre de sa préparation, la Commission française pour l'UNESCO avait organisé une table ronde, à Paris, le 15 avril 1992, avec des présidents d'universités françaises, sous la présidence de M. Jean Sirinelli, Président de la Commission, membre du Comité national d'évaluation des établissements publics à caractère scientifique, culturel et professionnel de France.

A cette occasion, certains objectifs avaient été identifiés comme liés à l'initiative d'organiser une conférence à Sinaïa. Ont-ils été atteints? Essayons de les voir ensemble.

Liberté - autonomie - responsabilité

La Conférence de Sinaïa a attiré l'attention sur l'importance des concepts jumelés de *libertés académiques* (la liberté d'enseigner et de faire des recherches) et de *l'autonomie* (pouvoir d'auto-gestion mais qui pour beaucoup doit nécessairement impliquer les libertés académiques elles-mêmes). Mais en évitant de passer d'un radicalisme à l'autre, de l'autoritarisme à l'anarchie, la Conférence a rappellé, comme l'a fait, par exemple, le Professeur Justin Thorens, que "la justification de l'autonomie ne peut reposer que dans la mission de l'université, c'est-à-dire son rôle dans et pour la société, car l'université, il faut le dire avec force même si cela va de soi, n'existe pas pour elle-même, mais en fonction de son utilité sociale".

Par ailleurs, c'est sur ce thème et en s'inspirant du discours d'ouverture de M. Federico Mayor, que le Group III est arrivé à ces mêmes conclusions. Là un consensus s'est nettement dégagé. Il était impressionnant de noter comment, sur ce sujet, des propos similaires ont été formulés à la séance d'ouverture de la Conférence par tous les orateurs: le Professeur M. Golu (Ministre de l'Education et de la science de la Roumanie), le Professeur H. Van Ginkel (au nom du Professeur Seidel de la CRE), M. Stobart (Conseil de l'Europe), le Professeur Constantinescu (Conférence des Recteurs de Roumanie), le Professeur Thorens (Comité consultatif du CEPES) et le Professeur R. de Moor (Université de Tilburg).

Tendances et défis

Cela est d'autant plus important que la Conférence de Sinaia a été organisée à la suite d'une série de réunions et d'études promues par l'UNESCO au cours des deux dernières années dans toutes les régions du monde sur les tendances et les défis de l'enseignement supérieur à la veille d'un nouveau millénaire.

L'UNESCO prépare, en ce moment, un document de synthèse sur ces questions et le Directeur général, après la consultation avec un groupe réduit d'experts, a l'intention de fournir aux Etats membres de l'Organisation des indications, un cadre de référence, pour l'action des établissements d'enseignement supérieur face aux problèmes et défis d'un monde en changement.

Il serait prématuré d'avancer l'ensemble de ces conclusions. Retenons, pour l'instant, le fait que les experts réunis par l'UNESCO rejettent la conception confondant libéralisation avec absence totale de politiques publiques et, notamment de politiques sociales.

En particulier le dessaisissement des Etats de leurs responsabilités face à l'enseignement supérieur, la privatisation à outrance qui devient synonyme de commercialisation de l'enseignement, la tendance à morceler le système éducatif, voilà des déviations, des risques réels ressortant des réflexions et qui ont été signalés par plusieurs participants à cette conférence de Sinaia et qui exigent une action corrective de tous ceux qui ont des responsabilités dans ce domaine.

Le système éducatif constitue un ensemble. Tous les pays ont besoin d'un enseignement de base solide. Toutefois, ils ne doivent pas laisser de côté l'enseignement secondaire, ni l'enseignement supérieur, celui-ci assurant la formation d'administrateurs, de cadres, d'experts et de chercheurs nécessaires au développement. Sans un bon système d'enseignement supérieur, il est impossible d'assurer la qualité de l'enseignement primaire et de l'enseignement secondaire. Actuellement, dans la majeure partie des pays, c'est dans les universités ou les établissements équivalents que la formation des maîtres est assurée, c'est là notamment qu'est promue la recherche éducative essentielle pour la prise des décisions des résponsables des politiques éducatives. L'enseignement supérieur, de plus, assure la formation des cadres, des experts et des chercheurs nécessaires au développement et à l'indépendance des nations.

La Conférence de Sinaïa a également fourni des éléments qui pourront permettre, de façon plus objective, une révision de la situation et des défis de l'enseignement supérieur à l'époque actuelle en Europe en transition et surtout en Europe de l'Est et en Europe centrale.

Il est rassurant d'observer que la communauté universitaire n'accepte pas l'idée d'une Europe à deux vitesses, où à l'exemple du monde dans sa totalité ou de certains pays, un centre fort est entouré d'une périphérie assaillie de problèmes de tous ordres.

Dans les débats des groupes, à plusieurs reprises, des participants se sont référés à la question d'adoption de nouveaux modèles pour les universités des pays récemment libérés d'une longue phase d'autoritarisme.

L'expérience montre qu'il faut absolument éviter de copier des modèles, surtout ceux qui pourraient rendre des universités dépendantes de groupes, de minorités politiques, idéologiques ou commerciales.

L'UNESCO prépare une série de documents sur les politiques de l'enseignement supérieur pour traiter des questions spécifiques (éducation permanente, financement, gestion etc.), dont le développement récent des universités communautaires, dans plusieurs parties du monde, qui tout en étant libres et indépendantes du pouvoir politique, trouvent leur légitimité dans un concept qui doit les empêcher d'être l'enjeu des groupes commerciaux, politiques ou financiers.

Le fait qu'un des groupes de travail de la conférence de Sinaia a attiré l'attention sur la nécessité de suivre l'évolution de l'organisation de nouveaux types d'institutions ne fait que renforcer cette approche.

Qualité et pertinence

Les réunions régionales organisées par l'UNESCO ont montré que, partout dans le monde, pour répondre aux nouveaux besoins de la société, les universités doivent se préoccuper des défis liés à la qualité de ses produits (l'enseignement et la recherche) et à la pertinence (rôle envers la société).

Ce concept implique l'ouverture de l'université, la faisant répondre aux besoins sociaux et renouvelant le dialogue avec la société dans son ensemble. Cela signifie l'établissement de liens avec différents groupes sociaux et une liaison indépendante mais solide avec le secteur productif, le secteur de services, les organes gouvernementaux. La diversification de l'enseignement, l'utilisation de nouvelles technologies de communication et d'information, des accords de jumelage au niveau national et international s'imposent pour assurer également une forme d'éducation permanente dont pourront bénéficier les membres de la société tout au long de leur vie.

Pour atteindre et pour assurer ces objectifs dans un monde compétitif, mais aussi pour justifier les ressources reçues de la société, les universités doivent chercher à mettre en service des systèmes indépendants d'évaluation, adaptés à la condition de chaque pays. L'évaluation ne doit pas être punitive, ni viser le contrôle des universités. Aider plutôt que sanctionner, correspond au point de vue de l'UNESCO dans ce domaine, ce qui signifie une action conjointe des gouvernements et des communautés académiques ainsi que de la société dans son ensemble.

C'est dans cet esprit que l'UNESCO a appuyé dès leur création, des projets comme COLUMBUS, lancé par la CRE, et réunissant, sous forme de réseau, des universités européennes et latino-américaines. La nécessité des systèmes d'évaluation avec des objectifs établis par les universités elles-mêmes a fait l'objet de débats en profondeur au sein du Groupe II de la Conférence de Sinaia.

L'UNESCO souhaite accorder une priorité à ces questions dans son programme. Le CEPES avec ses projets dans le domaine de l'échange d'informations, d'évaluation des systèmes et de mise en oeuvre des systèmes d'*accréditation* a un grand rôle à jouer pour l'accomplissement de ces tâches.

Nouveaux rôles du CEPES

Ceci nous amène à un autre objectif atteint par la Conférence de Sinaia, qui a lancé les bases pour repenser la coopération internationale dans le domaine de l'enseignement supérieur en Europe. Les paroles de M. Maitland Stobart, Directeur adjoint pour l'éducation, la culture et le sport au Conseil de l'Europe, ont été, à ce propos, très stimulantes. Il semble évident que les Etats européens doivent décider sur une meilleure coordination et intégration de plusieurs organisations internationales dans le domaine de l'enseignement supérieur. A ce propos je souligne que le Conseil exécutif de l'UNESCO se réunit à Paris avant la fin de mai, 1992, pour examiner, parmi d'autres questions, les propositions du Directeur général sur le renforcement du CEPES et sur l'orientation de son futur programme.

Ce Centre a accompli un rôle important dans la coopération interuniversitaire dans des conditions difficiles et je souhaite, en ce moment, rendre un hommage à tous ceux qui ont contribué à cette performance, en particulier ses fonctionnaires internationaux et locaux. La Roumanie sert l'UNESCO et la communauté universitaire européenne par le soutien matériel et finanicer qu'elle accorde au CEPES. Cependant, c'est surtout à travers un personnel local qualifié que le Centre a pu et peut faire face à ces défis. Un hommage spécial doit être rendu à Mme. Corina Pârlea et à M. Nicolae Fratila qui travaillent au CEPES depuis sa création il y a vingt ans, et qui ont fait du Centre le sens de leur vie. En leur rendant cet hommage, je pense à tous les fonctionnaires locaux qu'ils représentent et dont la compétence et le dévouement sont essentiels à l'existence même du CEPES, comme viennent de le souligner les membres du Comité consultatif du Centre.

Les propositions du Directeur général visent à consolider le CEPES pour en faire un Centre européen pour l'enseignement supérieur renforcé, qui pourra jouer un rôle interinstitutionnel de promotion de la coopération dans le domaine de l'enseignement supérieur.

La coopération en Europe, dans l'axe est-ouest, serait privilégiée mais le Centre, en ce qui concerne la recherche et la documentation, pourrait également, comme le Centre régional pour l'enseignement supérieur en Amérique Latine et les Caraïbes (CRESALC), servir la coopération en Europe et entre les diverses régions. L'objectif ultime serait de faire du CEPES un centre interorganisations de coopération européenne dans le domaine de l'enseignement supérieur, ce qui impliquerait la transformation du Comité consultatif en Conseil de direction, suivant le modèle de l'Institut de Planification de l'Education à Paris.

D'autres organismes pourront participer aux activités du CEPES qui sera appelé à renforcer ses réseaux, notamment celui des correspondants de liaison. Le système de communication qui est en train d'être mis en opération par le projet UNICOM, élaboré grâce à l'aide généreuse du gouvernement néerlandais, facilitera l'accomplissement de cette tâche. Par ailleurs, l'action du CEPES devra s'élargir dans la création et le renforcement des réseaux et des actions visant à soutenir la coopération est-ouest. Les initiatives réussies dans ce domaine en Roumanie, qui ont été mentionnées par le Président de la Conférence des recteurs de la Roumanie, le Recteur Constantinescu, sont de nature à montrer le chemin à suivre.

Dans ses conclusions, le Groupe III, à Sinaïa, a insisté sur le renforcement de la coopération est-ouest. C'est l'une des priorités du CEPES qui doit travailler dans le cadre du programme UNITWIN en étroite coopération avec des organisations internationales, gouvernementales ou non-gouvernementales, en particulier avec le Conseil de l'Europe et de la CRE. Le cadre de ces actions se trouve notamment dans le projet UNITWIN, associé au Programme des chaires UNESCO, approuvé par la dernière session de la Conférence générale en novembre 1991, à Paris.

Les trois principaux objectifs du projet UNITWIN sont les suivants:

- donner une impulsion nouvelle aux accords de jumelage entre les établissements d'enseignement supérieur dans les axes nord-sud, est-ouest, et aider à élaborer des cadres de référence pour ces accords;
- aider à renforcer les réseaux existants de coopération sous-régionale, régionale et interrégionale entre institutions d'enseignement supérieur et de recherche, et de créer de nouveaux réseaux partout où le besoin se fait sentir;
- créer ou renforcer des centres d'études spécialisés et de recherche avancée au moyen d'accords institutionnels entre universités et avec un soutien international. Ces centres seront axés autour d'un système de chaires UNESCO et fonctionneront par l'intermédiaire de réseaux universitaires jumelés.

Je signale qu'à présent plus de quarante projets, surtout dans l'axe nord-sud, sud-nord, démarrent.

Statut du personnel enseignant

Il semble impossible de parler de libertés académiques sans se référer au statut et à la condition du personnel enseignant du supérieur. L'UNESCO a promu, depuis plusieurs années, la création et le développement de réseaux s'occupant de la formation du personnel enseignant du supérieur. A présent, grâce à la collaboration de la Commission canadienne pour l'UNESCO, un document de base a été préparé par un consultant, M. Ramzi Salamé, professeur à l'Université Laval, au Québec. Une table ronde, dans le cadre de la Conférence de Sinaia, a examiné ce document et ses participants ont proposé que l'UNESCO poursuive son action dans ce domaine. Cela se fera et, après consultation avec le Bureau International du Travail, le Secrétariat de l'UNESCO présentera à sa Conférence Générale de 1993 une étude sur l'opportunité d'adopter un instrument juridique dans ce domaine.

Par ailleurs, il est intéressant de noter qu'il ressort d'une enquête récente effectuée par la Commission roumaine pour l'UNESCO auprès d'un échantillonnage représentatif des étudiants universitaires roumains que les deux décisions les plus urgentes à prendre en Roumanie dans le domaine de l'enseignement supérieur seraient pour les étudiants l'adoption d'une loi pour l'éducation et le statut du personnel enseignant. C'est une indication de l'importance du problème.

Démocratie et liberté

L'effort pour assurer l'autonomie des universités n'a de sens que dans le cadre de la consolidation d'une société plus libre et plus démocratique. La démocratie est le résultat d'un effort collectif et sa pratique n'est pas aisée. Un changement de gouvernement, voire même de régime, ne suffit pas pour transformer les rapports entre groupes et individus. La démocratie s'apprend et cela exige un effort, demande du temps, les habitudes autoritaires ayant tendance à s'incruster et à demeurer.

L'UNESCO est consciente de ce fait et, en conséquence, plusieurs actions sont prévues pour renforcer l'esprit et la culture démocratiques capables de stimuler la communauté internationale pour instaurer un nouvel ordre mondial basé sur les principes de la Charte des Nations Unies et résoudre les problèmes mondiaux tels que le désarmement, la persistance de la misère généralisée, la détérioration de l'environnement et la prolifération des fléaux sociaux comme le trafic de la drogue et la criminalité.

En décembre prochain, une conférence internationale aura lieu en Tunisie sur le thème, *Education pour la démocratie*. Une fois de plus, dans un contexte élargi, la question de l'autonomie et des libertés académiques sera sur la sellette et, évidemment, les conclusions de la Conférence de Sinaia feront partie des documents de référence de la Conférence.

Dans le Projet de Déclaration de Sïnaia (Sinaia Statement) que vous allez examiner comme dernier acte de cette conférence, après avoir réaffirmé les principes de base de l'autonomie et des libertés académiques, ainsi que de la responsabilité sociale de ces institutions, vous recommandez à l'UNESCO d'accorder à ces questions la plus grande importance et de préparer un "instrument international pour la protection et la promotion de ces valeurs".

L'UNESCO est prête à jouer ce rôle et à répondre à cet appel, mais elle ne le fera qu'en coordination avec des représentants de la vie civile, notamment les organisations non gouvernementales s'occupant directement ou indirectement des questions liées à l'enseignement supérieur.

Conclusion

Au moment où l'on commémore la rencontre de civilisations grâce à l'arrivée de Christophe Colomb en terres d'Amérique, je finis sur deux citations venant du nord et du sud et qui constituent un véritable hymne à la liberté.

Le Directeur général de l'UNESCO, à l'ouverture de cette conférence, vous a dit et je le répète: "La liberté intellectuelle, expression même de la pensée inaliénable, ne connaît pas de bornes; à cet égard, la liberté de l'université est sans limites, son autonomie, absolue". De son côté, à l'autre extrêmité du monde, à la veille d'un coup-d'état qui a fait sombrer le Brésil, dans vingt et un ans de dictature militaire, en refusant d'intervenir dans les universités comme le demandaient ceux qui préparaient le coup-d'état ou le craignaient, un ancien Ministre de l'éducation, Roberto Lyra, professeur universitaire, a justifié son geste avec une déclaration candide que tous ici, j'en suis certain, souscriraient avec enthousiasme: "Université rime avec liberté".

CEPES

UNESCO

CEPES is the acronym for
CENTRE EUROPEEN POUR L'ENSEIGNEMENT SUPERIEUR.
(European Centre for Higher Education). It is an integral part
of the UNESCO Secretariat, with headquarters in Bucharest.
The Centre was created in 1972 to contribute to the
development of higher education in the Member States
of the Europe Region by promoting international
cooperation in this field.
CEPES works in three domains:
- it gathers, processes and disseminates information;
- it organizes meetings and collaborates in join studies;
it cooperates with other organizations and institutions,
both national and international, to accomplish its goals.

CEPES est le sigle du
CENTRE EUROPEEN POUR L'ENSEIGNEMENT SUPERIEUR.
Il fait partie intégrante du Secrétariat de l'UNESCO et
se trouve à Bucarest. Le Centre a été creé en 1972 afin de
contribuer au développement de l'enseignement supérieur
dans les Etats membres de la région Europe
par la promotion de la coopération internationale
dans ce domaine.
Les activités du CEPES sont:
- la collecte, le traitement et la distribution de l'information;
- l'organisation de réunions et la participation dans
des projets communs;
- la coopération avec d'autres organisations et institutions,
nationales ou internationales,
pour la réalisation de ses objectifs.